
**Rear Admiral Charles H. Stockton,
the Naval War College,
and the Law of Naval Warfare**

John Hattendorf

SINCE ITS FOUNDING IN 1884, the U.S. Naval War College has played a role in the study and formulation of the law of armed conflict. Many distinguished scholars and lawyers have taught, researched, and written studies in this field at the College. The roll call of its professors of international law includes such distinguished scholars as John Bassett Moore, George Grafton Wilson, Manley O. Hudson, Hans Kelsen, Thomas Mallison, and Howard Levie.

Many of the most well-known names are those of scholars who held the position as a part-time appointment and worked at the Naval War College for a few months each year, while also holding chairs at major civilian universities. This policy changed only in July 1951, when the Secretary of the Navy created the College's first two full-time civilian academic appointments: a professor of history and a professor of international law. For many years both were normally held by visiting scholars for a one or two-year period. On 6 October 1967 the College named the law position the Charles H. Stockton Chair of International Law.¹ In attaching the name of Stockton to one of its oldest and most prestigious academic chairs, the Naval War College remembered a naval officer who was a key figure in its own institutional history as well as an important figure in the development of the law of naval warfare. Today, the prestigious Stockton Chair at the Naval War College, and Stockton Hall, the home of the Law School at The George Washington University in

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Washington, D.C., are the principal tokens of his memory and his achievements.

Looking behind those names, one finds that the man, Charles Stockton, had an extremely successful forty-six-year career as a naval officer, ashore and afloat. In some respects he was a person of remarkable contrasts. A man with strong ethical and religious beliefs, he was largely self-taught in the area of international law, but through his active service at sea he became fully aware of the need for his fellow officers to understand the practical applications of law in their daily responsibilities. A quiet and studious person, he nevertheless loved active duty at sea. Deeply interested in naval history and strategy, as well as an advocate of preparedness and a strong navy, he was devoted to developing an international consensus and public awareness of legal restraints on warfare. Among all his many activities, Stockton's contributions to the development of the law of naval warfare stand as his most important achievement. They are among the foundations upon which future work in the law of armed conflict rests.

Early Life

International law only gradually entered Stockton's life as he pursued his career.² Setting out to be a naval officer, he eventually found that his family background, early education, and his experiences at sea as a naval officer had laid a firm foundation for his interest in the subject as well as the basis of his outlook as to its practical application. In addition, his repeated assignments to the Naval War College provided him with his first opportunities to study international law in depth and to make an original contribution to it. Exemplifying the broader development of international law within the United States during the late nineteenth and early twentieth centuries, Stockton's life reflects how one individual developed an interest in the subject, an interest arising from his own fundamental religious and moral beliefs, as well as from his perceptions as a naval officer during the rise of the United States as a world power.

Charles Herbert Stockton was born in Philadelphia, Pennsylvania, on October 13, 1845, the second child and eldest son of thirteen children. His parents were William Rodgers Stockton, of an old New Jersey family, and Emma Trout Gross, the daughter of Gottlieb Gross, who had immigrated from Württemberg in about 1810. Bearing the name of Charles' grandfather of Burlington County, New Jersey, that side of the family was well known for literary accomplishments. Among them were the writer Louise Stockton, the

journalist John D. Stockton, the novelist Frank R. Stockton, and the Rev. Thomas H. Stockton, a celebrated ecclesiastical orator and the chaplain of the House of Representatives, whose prayer accompanied Lincoln's Gettysburg Address at the dedication of the battlefield cemetery in 1863.

When Charles Stockton was born, his father was operating a real estate business in a triangular-shaped building at the corner of Ridge Avenue, 11th Avenue, and Buttonwood Street in Philadelphia. The family occupied the upper floors of the building, while the father operated his business on the ground floor. Following a successful business career, during which he was prominent in city affairs, Stockton's father began to study for the ministry. He was ordained a deacon in the Episcopal Church in 1858 and a priest in 1859. The family moved to Evansburg, Pennsylvania, in 1858, when Stockton's father was appointed rector of St. James's Church there as well as of St. Peter's Church in nearby Phoenixville in Montgomery County, the site of an iron works. In those years, the young Stockton grew up as "a gentleman's son;" his family was well off, and he naturally associated with boys from other cultivated families. For a time young Stockton attended the Germantown Academy, where his classmates were children of well-to-do families. There, he joined them in playing cricket and "town-ball," the forerunner of baseball.

On the Evansburg parish's two-hundred-acre glebe farm, family life in the period from 1858 to 1861 had a great affect on young Stockton. He particularly enjoyed the active, rural life of Montgomery County, with its Pennsylvania Dutch population and their idiomatic use of English mixed with German expressions. In addition to the moral influences of his family and from the various religious communities of that region, he was deeply impressed with the idea of community, of joining a variety of different types of people. Interested in politics from an early age, the fifteen year old Charles joined in the activities of the Wide Awake Club, participating in its election marches in 1860 to support Abraham Lincoln for president and William Morris Davis for representative from Pennsylvania's fifth congressional district.

When the Civil War broke out soon after Lincoln's inauguration, there was a widespread military spirit throughout the country, and like many other young boys, the now sixteen-year-old Charles Stockton tried to enlist as a corporal in the cavalry. Rev. Stockton, however, approached a number of people to produce for his son a better opportunity. He wrote to his relative in Washington, Rev. Thomas Stockton, the chaplain to Congress; Thomas, however discouraged the military idea and argued that Charles should pursue his education, preferably a religious one. "The more I see of war," Thomas Stockton wrote, "the more I value *peace*. I can only *tolerate* war, as a sort of

Providential necessity. Surely God would never suffer it, except as a sad instrument of some good accomplishment, hardly to be otherwise attained.”³ (It was a thought that Charles kept in mind, even at the end of his life, when he recorded the note verbatim in a memoir of his early days.) Rev. William Stockton, however, also wrote to his newly elected congressman, William Davis, asking him to obtain an appointment to West Point. Davis, who had been to sea as a young man in a whaling ship and later published memoirs of those years,⁴ suggested that young Stockton should try the Naval Academy, where he had an appointment available.

First Years in the Navy

The Civil War had been going on for six months when Charles Stockton entered the Navy on November 14, 1861. The three-month soldiers who had enlisted at the outset of the war had already been discharged, and the call was out for volunteers to serve three-year terms. The Naval Academy had moved to Newport, Rhode Island, for its security, since a large proportion of the border state of Maryland was disaffected toward the Union. After Charles took and passed the entrance examination for the Naval Academy, his father returned to Pennsylvania and resigned from one of his two churches, St. James’s Church, and moved to take charge full-time of St. Peter’s at Phoenixville. Charles’s parents lived there for the remainder of their lives. Phoenixville became home to Charles on leaves of absence from the Naval Academy and in later years from service afloat.

At the Academy in Newport Stockton spent his plebe year on board the old frigate USS *Constitution*, eventually moving to the school’s main building in the former Atlantic House Hotel. With no previous connections with the sea or with naval officers, the impressionistic teenager long remembered his first sight and sound of Newport harbor. Among his vivid memories were the profound silence of the early dawn in the harbor and on the Bay. “At times large clipper ships anchored to await favorable winds,” he later wrote, “and often in the early morning they would get underway with the land breeze and stand out of the harbor. I heard from them for the first time in weighing anchor the shanty songs of the sea, with the refrain made by the clank-clank of the windlass.”⁵ Stockton received his first seamanship instruction at the Academy on board the USS *Marion*, commanded by Lieutenant Commander Stephen B. Luce, with whom he would later have additional connections. Under Luce’s skillful direction, *Marion* became a very successful practice vessel for midshipmen, who sailed it the length and breadth of Narragansett Bay.

The Civil War had an immediate effect on the Stockton family. No sooner had Charles joined the Navy than his father took a leave of absence from his parish to be chaplain of the 61st regiment of Pennsylvania Volunteers. Captured by Confederate forces under Major General D. H. Hill at the Battle of Fair Oaks during the Virginia Peninsular campaign in 1862, Chaplain Stockton was first sent to Libby prison and then to Salisbury, North Carolina, where he was eventually released with several other chaplains and doctors. Upon his release he returned to his parish work in Phoenixville.

Naval Academy midshipmen were given summer leave in 1863, and Stockton returned home to Phoenixville, just before the Confederate Army of Northern Virginia under Robert E. Lee invaded southern Pennsylvania. Stockton once again attempted to join the Army and to assist in defending his state. His attempt was, he later recalled, "without success, as I was a midshipman, neither fish, flesh or fowl or, as the Cape Cod men say, good red herring."⁶ Disappointed, Stockton did not see action at Gettysburg or elsewhere. In the autumn he returned to his studies at the Naval Academy in Newport. There he did poorly in both pure and applied mathematics but maintained a high standard in ethics, English, and international law, a subject he first met during his final year at Newport.

At that time, there was no suitable textbook available to the U.S. Navy for studying international law. The most authoritative American work was Henry Wheaton's *Elements of International Law*, first published in 1836. Wheaton had been dead for a dozen years, and several editors had revised and updated his book. In 1865, two competing eighth editions were on the market. The first, by the Boston lawyer and author of *Two Years before the Mast*, Richard Henry Dana, had appeared in 1863. In 1865 William Beach Lawrence, a well-known writer living in Newport, published another eighth edition, claiming that the Wheaton family had given him the sole right of revision.

During his Naval Academy years Stockton called on Lawrence, a relative of his Academy roommate, Beach Carter, at his beautiful home in Newport's Ochre Point district. The former American diplomat and onetime lieutenant governor of Rhode Island impressed Stockton as an exceptionally learned but a very contentious man, one who seemed to seek and enjoy litigation. The Naval Academy found itself in a difficult position, since Lawrence, living in the same town, contested the Academy's use of Dana's version. Actually, officials at both the Naval Academy in Newport and at the Navy Department in Washington preferred Dana's work to Lawrence's, taking exception to some of Lawrence's views on U.S. policy during the Civil War. (On later reflection, Stockton himself felt that Dana's edition was far superior to Lawrence's, feeling

that Dana's notes on recognition of belligerency and independence remained classics on the subject.) Lawrence took his case to court, which decided the issue in his favor, preventing Dana's edition from being published in the United States (although it was printed and sold in Britain). Since the Navy would not allow the use of Lawrence's version, the Academy fell back on two general works, Theodore Woolsey's *International Law* and Chancellor Kent's *Lectures*. Neither of these authors dealt with the subject in the practical and thorough way necessary to meet the needs of naval officers.

Assignments at Sea and Ashore

Like most of his fellow midshipmen, Stockton was deeply disappointed not to have been able to take an active part in the naval actions of the Civil War. Doing that had been the very reason to join the Navy in the first place. To a young man like Stockton, thirsting for action, it was of little consequence to have served as part of the midshipmen garrison of Fort Adams, guarding the entrance to Narragansett Bay, or serving in the Naval Academy's practice vessels when they had been placed on alert for possible raids from the Confederate raiders they never sighted: *Florida*, *Tacony*, and *Tallahassee*. Nevertheless, such service was enough to qualify Stockton and his classmates in the Naval Academy class of 1865 to wear the Civil War medal, to give them all the retirement benefits from that war, and make them eligible to be original members of the Military Order of the Loyal Legion.

In the summer of 1865 the Naval Academy was ordered to return to its original home in Annapolis, Maryland, despite protests from Rhode Islanders, who wanted it to stay in Newport. Stockton was on USS *Marion* when she was towed from Gardiner's Bay off Long Island to the mouth of the Pawtuxet River in Chesapeake Bay, where the midshipmen briefly went ashore. There they found a variety of fresh fruits, fish, oysters, and game for the taking, things that the wartime economy of New England had denied them, luxuries that now seemed food for the gods. The event proved more than an escapade to Stockton, who apparently contracted malaria during that run ashore. The ship proceeded to Annapolis, and Stockton transferred to the steamer *Winnipeg*, his quarters for the remainder of his days at the Naval Academy. After passing final examinations, the Academy class of 1865 was graduated at the end of September, and Stockton returned to Phoenixville to await orders to sea duty.

Within a fortnight the Navy Department ordered Stockton to the steam sloop USS *Dacotah*, where he was joined by four Academy classmates. During his first three months on board *Dacotah* he had two bouts of malaria. The Navy

Department placed Stockton on sick leave, and then on limited duty. Returning to full seagoing service some months later, he first served in the USS *Sabine*, where the commanding officer attested to the “fine bearing and intelligence” of Stockton, “a young officer full of promise.”⁷ From there he was ordered in May 1866 to join the commissioning crew of the screw steamer USS *Chattanooga*. Built at Cramp’s shipyard in Philadelphia, she was a long wooden vessel designed during the war to pursue and capture Confederate raiders, but her experimental direct-acting engines gave difficulties. In the midst of trials, in which the ship failed to live up to expectations, an epidemic of what appeared to be cholera broke out among the crew, and the Navy permanently laid her up.

After that inauspicious beginning, Stockton transferred to the USS *Mohican*, then being repaired at Boston and a sister ship of his first ship, the *Dacotah*. Stockton remained on board *Mohican* for nearly three years. Upon her recommissioning after the yard period, the ship sailed for duty on the Pacific Station in September 1866, stopping enroute at St. Thomas in the Virgin Islands, several ports in Brazil, Montevideo, and then passing through the Cape Horn inside passage to Valparaiso, joining the Pacific Squadron at Callao, Peru, in April 1867.

Stopping at the island of Maranhão on the northern coast of Brazil to coal ship, Stockton witnessed his first practical situation in international law, in a case that he later used at the Naval War College to illustrate the need for naval officers to include international law in their daily professional knowledge. One of the ship’s boats, under the charge of Midshipman George Talcott, was lying alongside a stone jetty waiting for orders. Bored, several of the boat’s crew jumped off the boat and ran into town. Talcott pursued and fired a revolver at them in an open, crowded street. The local authorities quickly arrested Talcott for violating the law and held him at the police station. The commanding officer of the *Mohican*, Commander Edward Simpson, disregarding the legal issues, demanded that local authorities immediately release Talcott and threatened to bombard the city if they refused to comply. When news of this reached the Brazilian capital, the U.S. ambassador, Watson Webb, immediately requested that the Navy Department relieve Simpson for his high-handed conduct. In the end, the affair quieted down; municipal officials returned Talcott to his ship, and *Mohican* proceeded on her passage to the Pacific without further diplomatic delay. Stockton, however, never forgot the incident.

From the rendezvous at Callao, *Mohican* sailed to Acapulco and, eventually, San Francisco. Stockton’s ship was homeported there and assigned to the

newly established North Pacific Station, which stretched as far north as the mouth of the Mackenzie River on the Arctic Ocean. Stockton particularly enjoyed California, which in the days following the Gold Rush had become a haven for many who were trying to recover fortunes lost during the Civil War. Stockton made a number of close friends, enjoying the cultivated social life that these permanent residents had created.

When the *Mohican* was decommissioned and went into repairs at the Mare Island Naval Shipyard, Stockton and his fellow officers were transferred to the iron-hulled, steam gunboat *Mohongo*. Stockton was on board the ship during a seven-month diplomatic mission to the Kingdom of Hawaii, during which she received on board King Kamehameha V, Dowager Queen Emma, the American minister, chargé d'affairs, and other officials. He closely observed the practice of diplomacy in the overtures that Americans were making to the Hawaiian government, as the ship cruised throughout the Hawaiian chain, carrying officials, patrolling, and making hydrographic surveys.

Returning to San Francisco in April 1868, *Mohongo* received a new commanding officer, Commander Stephen B. Luce under whom Stockton had been trained in seamanship at the Naval Academy. Under Luce, *Mohongo* cruised in the Gulf of California, visiting such Mexican ports as La Paz, Mazatlan, Guayamas, Acapulco, and San Blas. During that cruise, one event particularly stood out in Stockton's memory. Because commercial shipping was both unreliable and irregular from Mexico, it was the practice for commanding officers of both British and American warships to carry silver (a major Mexican export) as freight, with a percentage given to the captain, the admiral, and the naval pension fund. Mexican law allowed silver dollar coins to be exported, if a tax were paid, but prohibited the export of silver bars. At Mazatlan the ship received nonetheless both bags of silver dollars and quantities of silver bars for shipment to banks in San Francisco. Stockton recalled, "A canoe laden with bars of silver would steal alongside and a loud whisper of 'plata' was heard and then a treasure net duly buoyed and lowered and the silver hoisted on board and stowed in the storerooms of the cabin of the Captain." It was, he thought "an unsatisfactory and not a dignified proceeding."⁸

Detached from *Mohongo* when the ship was laid up for extensive repairs, Stockton and his fellow officers moved their quarters to the receiving ship *Vanderbilt*, ostensibly assigned to the USS *Ossipee*. The Navy Department soon ordered Stockton to return to the East Coast by rail. He traveled in a party that happened to include William B. Ogden, the president of the Chicago and Northwestern Railroad, and his family, enjoying their conversation and joining

them with the picnic-basket dinners that a San Francisco Hotel provided, including "an excellent red wine for the sandy deserts of Nevada and Utah."⁹

Returning home to Phoenixville, Stockton soon received orders to the Philadelphia Navy Yard, where he served for only a few months before being ordered to sea again. Joining the screw sloop USS *Congress* on her first voyage, he remained as a watch officer for four years, the longest service he spent in any one vessel during his career. On her first deployment she was the flagship of Commodore Joseph F. Green, commanding the South Atlantic Squadron, based at Key West.

Stockton was in Southern waters when the Franco-Prussian War broke out and the German gunboat SMS *Meteor*, under Lieutenant-Commander Eduard von Knorr, engaged the French corvette *Bouvet* off Havana in an indecisive action on November 9, 1870. The German ship remained in that neutral harbor for the rest of the war. Shortly after returning to Key West, *Congress* sailed to Santo Domingo, where the ship remained through the months in early 1870 during which President Ulysses S. Grant considered its annexation. The ship carried the U.S. commissioners to various points in the country, providing and supporting an armed party ashore to guard against insurgent attacks against the government during the negotiations with the United States.

In 1871 *Congress* sailed for New York, where she served as flagship for Vice Admiral Stephen Rowan to receive the Grand Duke Alexis and a squadron of Russian ships. Following this formal diplomatic assignment the ship sailed to Godhavn on the island of Disco, off western Greenland, taking supplies to the USS *Polaris*, which Captain Charles F. Hall was preparing for exploration in the Arctic. Returning south, *Congress* made a cruise to Haiti in early 1872 before being ordered to join the Mediterranean Squadron. There Stockton observed another telling situation in international law. When Rear Admiral James Alden ordered the *Congress* to sail to Constantinople in the wake of anti-Christian riots that threatened the lives of American missionaries, the U.S. Minister, George Boker, found that the Ottoman government would not allow the three-thousand-ton warship to enter the Dardanelles, because that government's policy was to bar passage to all but small warships, under eight hundred tons. Diplomatic negotiations had been going on over this issue for years, but Admiral Alden was unaware that State Department authorization was necessary before sending a warship to the Dardanelles. Completely insensitive to international law, Alden's view was that he was under orders to protect Americans and that since Constantinople was one place where rioting was taking place, he would provide protection there.¹⁰ Stockton clearly saw that the issue was not that simple. For him, it was further personal experience

of the need for naval officers to study and to understand the practical applications of international law.

Detached from *Congress*, Stockton returned home on leave of absence until October 1873, when he served at the Philadelphia Navy Yard and on board USS *Dictator* before joining the commissioning crew of the USS *Swatara*, a new ship being built at the New York Navy Yard (under the guise of “repairs” to an older vessel of the same name). Upon her completion *Swatara* departed from New York in June 1874 to take five scientific parties to the South Pacific for observations of the transit of Venus, leaving them on Tasmania, Kerguelen Island, New Zealand, Chatham Island, and Melbourne, Australia. Upon completion of their work she collected her passengers and returned to New York, via the Cape of Good Hope, in May 1875.¹¹ On this round-the-world cruise, Stockton served as senior watch officer. His commanding officer later reported to the secretary of the navy that he was “one of the most reliable, trustworthy and gentlemanly officers in the service.”¹²

After detachment from the *Swatara*, Stockton returned home to marry Cornelia Carter of New York on June 23, 1875, before moving with her to Washington, D.C., where he had orders to spend the year 1875-1876 at the Hydrographic Office. During this period his wife gave birth to a daughter¹³ but died in childbirth on July 1, 1876, just after Stockton had received orders. His new assignment was the wooden-hulled screw steamer USS *Plymouth*, operating on the Atlantic coast and in the Caribbean. Not aware of the personal tragedy Stockton had experienced, one of the midshipmen remembered Stockton as *Plymouth*’s “navigator. Silent and scholarly, he kept much to himself.”¹⁴ At the end of that tour of duty the commanding officer reported that “in everything that goes to make an efficient naval officer, Mr. Stockton excels.”¹⁵

In June 1879 Stockton reported for duty at the Navy Yard in New York, where he served for a year. While in New York he met Pauline Lentilhon King, a daughter of Peter Vandervoort King, and married her on November 23, 1880. Detached from the Navy Yard in May 1880, he went first to Newport, Rhode Island, where he took the course of instruction at the Naval Torpedo School on Goat Island, and from there to the Washington Navy Yard.

The Navy Department next ordered Stockton to sea duty as executive officer in USS *Iroquois*, a screw steamer which had just been recommissioned after a long period of inactivity at Mare Island Shipyard in California. During Stockton’s assignment on board, the ship cruised widely on the Pacific Station, ranging from ports in South America to Hawaii, Australia, and the Pacific Islands. At the very end of Stockton’s tour, the ship participated in the

American intervention in Panama, where revolution had blocked the free transit of the isthmus that had been guaranteed to the United States under a treaty with Colombia. On March 26, 1885, the USS *Galena* landed a force at Aspinwall, which was soon reinforced by units from *Shenandoah*, *Swatara*, and *Iroquois*. A force of Marines under Lieutenant Colonel Charles Heywood and sailors under Commander Bowman McCalla reopened the railway and maintained order while Colombian troops quelled the rebellion. Stockton landed with *Iroquois*' party. This personal experience of operations ashore during a civil war led Stockton to examine more deeply the diplomatic and international law issues surrounding naval intervention and American interests in a transoceanic canal.

Upon his detachment from sea duty, Stockton spent several months on leave in Phoenixville and then traveled to Washington, where he took up a three-and-a-half-year assignment in the Bureau of Yards and Docks. During this period he assumed a variety of duties and developed interests that stayed with him for the remainder of his life. Coming as he did from a family with a long-standing interest in charity and church work, he became a devout member of St John's Episcopal Church on Lafayette Square. He was also a member of the Board of Trustees of the Church Orphanage, and of the Board of the Navy Mutual Aid Association.¹⁶ In the light of this background, it is not surprising that Stockton became particularly interested in one organization that came under the purview of the Bureau of Yards and Docks: the Philadelphia Naval Asylum, an early attempt to address the welfare of retired and disabled seamen. His interest in this subject led to his first two publications, a thirty-seven-page pamphlet on the study of the history, management, and function of the organization,¹⁷ and a short article in the Naval Institute *Proceedings* on the Asylum's role in providing service pensions to enlisted men.¹⁸

Through this connection, he began to take an active role in the Naval Institute and its activities. Expressing one of his interests in a discussion group on the Prize Essay for 1887, he commented that there was a great need to bring Navywide coordination to the many requirements for education and training within the service.¹⁹ Shortly afterwards, the Naval Institute asked him to be one of the judges for its Prize Essay contest in 1888.²⁰ Through these activities he quickly became known in the service as a writer and thinker, devoted to furthering professional development in the Navy.

Among his official duties as a lieutenant commander in Washington during the years 1885–1888 was serving on a board to examine naval drills and exercises, on another to review and revise the naval signal book, on a third to

select the site for a new timber dry-dock at Norfolk, Virginia, as well as on the board of examiners at the Naval Torpedo School. The dry-dock site-selection experience resulted in his second contribution to the Naval Institute *Proceedings*, an essay on the use of the Simpson method for constructing timber dry-docks in the United States, from their introduction at Boston in 1853 to the most recent one at St John's, Newfoundland, in 1884.²¹

For his own career, certainly one of the most significant temporary additional duty assignments was to be sent to the President of the Naval War College, Captain A.T. Mahan, in response to Mahan's request for someone from the Navy Department to lecture on "Commerce and Commercial Routes between Europe and the Pacific." Returning to Newport in 1887 for his first visit to the three-year-old Naval War College, Stockton spoke on the possible effects that a trans-isthmian canal would have on this trade, along with a survey of the political and military conditions in the Pacific, Gulf of Mexico, and the Caribbean regions. His lecture was very well received. Mahan and others at the College reported so enthusiastically about his performance that Rear Admiral Luce, then commanding the North Atlantic Station, wrote personally to commend Stockton for his "admirable lectures" and to ask him to save his notes so that he could repeat the performance in the following academic year.²² With Luce's assistance, Stockton was able to improve his lectures further by obtaining the latest reports on facilities in the Caribbean and the Gulf.²³ Building on his own earlier experience in the USS *Iroquois* at Panama in 1885, Stockton produced a body of research on this subject to which he repeatedly returned in later lectures and writings; the historical, strategic, and commercial aspects of the Pacific and Central America became a subject of special study. He soon became known within the service as one of the Navy's foremost authorities on the Canal and the Caribbean area.²⁴

Returning to Washington, Stockton resumed his duties with the Bureau of Yards and Docks. After serving on a board to consider costs for dry-docks at Brooklyn, New York, and Portsmouth, Virginia, he was assigned in November 1888 to a board established to find an appropriate site for a navy yard in Oregon or in the territories of Washington or Alaska. Stockton was the junior member of the three-officer commission, which included Commander Colby M. Chester and Captain Mahan, who was temporarily detached from the Naval War College to serve as its head.

Mahan, Stockton, and Colby traveled first to San Francisco and then north to Portland, the Columbia River, and Seattle to examine possible sites. Considering all the strategic and logistical issues involved for a naval base that would defend American territory above forty-two degrees north latitude, the

three commission members obtained the cooperation of a Coast Survey vessel to view, compare, and contrast a variety of possible sites. After careful consideration, they selected Point Turner—the site of the future Puget Sound Navy Yard.²⁵

Command at Sea

Toward the end of March 1899, just as the commission was completing its work, the Chief of the Bureau of Navigation telegraphed Stockton, "How soon could you take command of the *Thetis* and would you like that command?" At the time, the Scots-built former steam whaling ship was completing a five-month yard period at the Mare Island Naval Ship Yard, and her commanding officer, Lieutenant Commander William H. Emory, had orders to London as naval attaché. Accepting the offer immediately, Stockton reported that the commission had nearly completed its work and that he could report on board within a few weeks. Soon after Stockton arrived, a telegram arrived reporting that Emory's orders might be canceled and asking whether Stockton would swap orders and take the USS *Pinta*, while Emory returned to *Thetis*. It was a chance that Stockton would not take, and he refused the offer.²⁶ On April 20, 1889, *Thetis* sailed out of San Francisco Bay with Stockton in command, to perform surveys in Alaskan waters and to protect American commercial and whaling interests in the Bering Sea and Arctic Ocean.

Later in 1889 *Thetis* called at several Eskimo villages. Deeply moved by his encounters with the native peoples of the North, Stockton recorded in his journal an episode of a visit to Cape Prince of Wales that reflected a contemporary outlook: "During the morning I had a conference with some [of] the leading natives. . . . Told them what I wanted to communicate . . . that they had a bad reputation, and that if they maltreated white men they would be punished, but if they treated white people who were ship-wrecked properly they would be rewarded."²⁷ Appalled by the social conditions there and elsewhere in Alaska, he commented, "What a Pity nothing is done for the elevation of these people."²⁸ In particular, he became interested in the Eskimo village of Tigara, near Cape Hope on the Bering Sea. "Although under the flag of the United States," Stockton wrote in describing this place, "there was nothing but chaos and paganism."²⁹ Acting on his reports, the Navy Department ordered Stockton to establish a house of refuge at Port Barrow. In connection with this duty Stockton wrote to the Board of Missions of the National Council of the Episcopal Church, urgently recommending that they send a missionary to the area. The Board of Missions was so impressed by

Stockton's direct plea that they immediately sent out Dr John B. Driggs, who would distinguish himself by many years of missionary service at Cape Hope.³⁰ In another initiative, Stockton arranged for the U.S. Department of the Interior's Bureau of Education to circulate fifty copies of printed Eskimo language vocabularies to missionary schools at Point Barrow, Point Hope, and Cape Prince of Wales.³¹ In the course of these activities Stockton became deeply interested in the history of the region, and the Alaska Historical Society elected him an honorary member.³²

Meanwhile, Stockton and his ship were also carrying out their primary duties. One of the most important of these was oceanographic and hydrographic survey work. On this cruise *Thetis* became the first U.S. government vessel to reach Mackenzie Bay in Canada. She made the return passage from Mackenzie Bay to Herald and Wrangel Islands in one season, which had never before been done, and became the first vessel of any kind to follow the entire coast of Alaska, from Port Tongass in the extreme southeast to Demarcation Point on the Arctic Ocean, the northern border between Canadian and United States territory.³³ In the course of this cruise, the officers of the *Thetis* made a careful examination of ice movements on the Bering Sea and in the Arctic Basin. Their work earned them special praise from the Hydrographer of the Navy, who in a circular letter to the entire Navy distributing the published results, reported that Stockton and his officers had greatly contributed to knowledge of the waters and coasts of northwestern Alaska and that "the recent cruise of the *Thetis* has been remarkable as it has been successful."³⁴

After her five month cruise *Thetis* returned to Mare Island for a repair period before sailing to the Central American coast, still under Stockton's command. Stockton prepared an article on the Arctic cruise for the new *National Geographic Magazine* and another for *The Overland Monthly*, on the growth of the new Navy.³⁵ In the latter article Stockton revealed his fundamental belief in the need for a strong navy to maintain international law and to promote the peaceful settlement of international issues. While the idea of transferring issues of national dignity and self-preservation from the arena of war to courts of justice appealed to him, he also saw how monopolies and arbitrary trusts had used bribery and corruption to defend themselves in domestic courts. "Arbitration is practiced between equals," he wrote; "a stronger power with a wrong to redress or an aggressive policy to enforce will not stop for measures of arbitration."³⁶

Meanwhile, a revolution had broken out in El Salvador; the government of Francisco Menéndez had been overthrown by the army commander, General

Carlos Erzeta. The revolutionaries had driven the forces of the government into Guatemala, and war had broken out between the two countries. Stockton's assignment was to cruise the coasts of Guatemala and El Salvador and protect American interests from harm. In the course of this duty between July and October 1890, Stockton and *Thetis* called several times at La Libertad and Acajulta in El Salvador, at La Union and Ampala in Honduras, and at San José in Guatemala. Praising Stockton's work, the American envoy in Central America, Lansing Mizner, valued the ship's presence "in the critical juncture of the [official] mediation on the part of our Diplomatic Corps to restore peace to the hostile republics of Guatemala and Salvador."³⁷ Assistant Secretary of the Navy James Soley forwarded to the Secretary of State his own praise for Stockton's success in "obtaining redress from the government of Salvador for the indignation offered to the U.S. flag in the capital of that country."³⁸ Upon returning from Central America for a repair period at the Mare Island Naval Shipyard, Stockton received orders to report for shore duty at Newport, Rhode Island.

The Naval War College

When Mahan had been detached on temporary duty from the Naval War College in January 1889 to head the commission that selected the site for the Puget Sound Navy Yard, those who favored technical training over the education in political-military affairs being offered at the College had taken advantage of his absence. For the moment, the Naval War College's strongest and most effective supporters were all exiled. Mahan's departure for the distant northwest coast came at the exact moment that the founder of the College, Rear Admiral Stephen B. Luce, retired from active duty after serving as commander in chief of the North Atlantic Squadron. In the last months of President Grover Cleveland's administration, Secretary of the Navy William C. Whitney ordered the Naval War College course shortened and recommended to Congress that it be consolidated with the Naval Torpedo School on Goat Island under the Bureau of Ordnance. Such an attempt to subject the broad political-military interests of the College to the scientific and technological concerns of submarine ordnance was clearly a plan to kill the Naval War College. Its opponents could see no practical value in an educational institution that focused so strongly on history, case studies, and theory, encouraging its faculty and students in independent and creative thought, and providing them large amounts of free time, without specific assignments or detailed work plans, to undertake individual reading and

writing in broad areas of professional interest. Acting in effect to replace this approach with the type of lectures used for basic technological training, transmitting large amounts of information through rote learning, the Navy Department even moved the College from its original home on Coaster's Harbor Island to nearby Goat Island, where the Torpedo Station was located. To consolidate its position, the Navy Department persuaded the outgoing Congress in its very last days in March 1889 to allocate \$100,000 for a new, purpose-built building on Goat Island for the joint use of the College and Torpedo School. In the eyes of the Naval War College's supporters, this move clearly spelled its end.

The orders were given and duly carried out. However, as chance would have it, the ordnance officer in charge of the Torpedo Station, who would have been expected to kill the College by amalgamating it into the Station's technical work, happened instead to be an ally. He was not only a personal friend of Admiral Luce's, but the very officer whom Luce had chosen five years before as the junior member of the board that had created the Naval War College, selected its original site, and established its first curriculum in 1884: Commander Caspar Goodrich. As he recalled many years later, the College "fell in friendly hands, and I made a point of honor of keeping it alive."³⁹ With a good friend on the local level to maintain breath in the institution, Admiral Luce turned his attention to the state and national level, working to gain support for the College. In particular, he enlisted the strong support of Rhode Island Senator Nelson Aldrich, while making appeals to key members of President Benjamin Harrison's incoming administration.

Five days after Harrison's inauguration, the new Secretary of the Navy, Benjamin F. Tracy, promised Aldrich his support. In his first annual report to Congress, Secretary Tracy declared that further direction from Congress was needed before construction began on the new Goat Island building. "The present condition of things," he wrote, "in which the college is made as sort of an appendage to the Torpedo Station, under the Bureau of Ordnance, should be corrected. It is attaching the greater to the less."⁴⁰

Because the situation for the College was unclear, the Navy Department ordered no students or faculty to the College for the 1890 or 1891 academic years. Goodrich remained nominally in charge while Luce and others worked to reverse the previous administration's policy. In May 1890, as support for the College grew, Mahan published his Naval War College lectures as *The Influence of Sea Power upon History, 1660–1783*, bringing widespread attention to the fruitfulness of the College's first years. Shortly thereafter, in June 1890, Congress passed an important appropriation bill authorizing the *Indiana* class of

battleships. At the same time, Congress took two additional steps that soon had an important effect on the Naval War College. First, it authorized the return of the College to Coaster's Harbor Island and the construction of the new building there. Secondly, it revived the post of Assistant Secretary of the Navy, a position that had lain dormant for the nearly thirty years since Gustavus Fox left office after the Civil War, and it placed the College directly under the Assistant Secretary. To fill this new position Secretary of the Navy Tracy appointed James R. Soley, who had been the first civilian faculty member at the Naval War College and, from 1885 to 1888, its first lecturer in international law. In this key position, Soley became the College's most important promoter and defender.

The Navy Department ordered Charles Stockton to supervise the construction of the first new building for the Naval War College, under the Commandant of the Naval Training Station, Captain F.M. Bunce. Reporting for duty in August 1891, Lieutenant Commander Stockton was soon directed to take charge of the entire War College Department and to transact all its business.⁴¹ Construction began on September 14, 1891, and was finished on May 28, 1892. Upon completion of the building that (forty years later) would be named Luce Hall, Stockton and his family became its first residents, moving into quarters in the southeast corner of the building.

In February 1892 the Navy Department ordered Mahan to return as President of the College, but he preferred to remain at his home in New York City, where he could complete work on his next series of lectures that would constitute his forthcoming book, *The Influence of Sea Power upon the French Revolution and Empire*. Stockton remained in Newport in direct charge of the College's affairs until Mahan returned in July 1892 to open formally the academic year. Recalling the situation from his own point of view, Mahan would later write in his reminiscences, "the College slumbered, and I worked."⁴² In fact, Mahan was largely oblivious to what was going on in Newport, and Stockton carried out all the practical affairs of the College with Mahan's blessing. While Mahan researched and wrote, Stockton oversaw construction of the College building and handled all its numerous administrative affairs. Continuing the close relationship they had developed during the Puget Sound Commission, Mahan and Stockton worked very effectively and cooperatively together. Thinking back on these years, one of Stockton's daughters recalled that the two men made an odd sight together—her father being "rather short and square, while Captain Mahan loomed immeasurably tall and thin above him."⁴³

In his opening address to the first group of students in the new building, Mahan presented a carefully worked out defense of the College and its educational approach. With the new battleships under construction, he pointed out, broad theoretical and historical studies had concrete importance now. "There is time yet for study; there is time to imbibe the experience of the past," he said. "Use the time of preparation for preparation. . . . To postpone preparation to the time of action is not practical."⁴⁴ Handing the administration over to Mahan, Stockton returned to being a lecturer, revising and updating the lectures he had first given at the College in 1887 and 1888 on the subjects of "Naval, Commercial, and Political Conditions existing in the region affected by the [future] Inter-Oceanic Canal and the problems resulting therefrom," and "The Strategic Features of the Pacific."⁴⁵ Due to the heavy criticism the College had received and was continuing to receive, both Mahan and Stockton were careful to keep the College lectures focused on specifically naval affairs. They initially refrained from emphasizing the broader issues which led into the full consideration of military affairs and international law. While such matters were made clear during the War College course, the faculty was cautious in the way it presented them at the College, knowing that the campaign to save the College was not yet over.

In May 1893 Mahan departed from the Naval War College to take command of the cruiser USS *Chicago*, leaving Stockton as acting President of the College. Having been promoted to the grade of commander less than a year before, he was—and still is, a century later—the most junior officer to ever hold the position. Stockton immediately continued the work of Luce and Mahan in defending the College. In an article for the Naval Institute *Proceedings* Stockton outlined the full rationale for the College, following Mahan's opening lecture a year before. Surveying the broad importance of studying such subjects as strategy, tactics, and naval history, Stockton added, "One of the most important of these specializations is that of international law, taught with fullness nowhere else, and whose practical utility to the Navy is daily demonstrated."⁴⁶

The struggle to reestablish the College had created bitterness within the naval officer corps, and as a senior officer to take up its presidency Secretary Tracy wanted someone who could forward its goals but lacked the stigma that attached to its most strident supporters. He eventually settled on a Captain Henry C. Taylor, who had lectured at the College in 1885 and who had served at sea under Luce as commanding officer of the training ship USS *Saratoga* in 1880-1884. A widely respected officer, Taylor fully understood Luce's vision for the College but was not associated with the recent political battle.

Becoming the new President of the Naval War College in November 1893, Captain Taylor made a number of innovative changes to the curriculum. All of them stressed the traditional method of inductive reasoning, which the College had employed in its teaching since its founding. In the area of international law, the College invited Professor Freeman Snow of Harvard University to deliver a series of twenty-two lectures during the 1894 course, to parallel the students' consideration of hypothetical cases of naval warfare, and to be published later as a manual for naval officers. Snow had been one of the pioneers in the case method of teaching international law at Harvard Law School. At that point there was no American textbook which used this method, and Snow had begun to develop one.⁴⁷ He already had a connection with the U.S. Navy, having lectured at the Naval Academy in Annapolis as early as 1884.

In preparation for Snow's lectures Stockton laid out courses of reading in the subject⁴⁸ and wrote him suggesting topics and approaches. Stockton remarked, "These memoranda are based upon the experiences of naval officers graduated from the Naval Academy after a brief and elementary course at the Naval Academy, either of Kent or Wheaton, or in later days of Woolsey and Glass." Obliquely referring to his own early experience, he continued, "A foreign cruise is apt to follow after graduation and the cadet or ensign as boat officer may readily blunder in international law by chasing deserters through a foreign city; or using force in the streets to confine drunken seamen of his ship."⁴⁹ Providing five pages of examples, Stockton gave Snow a clear picture of the types of issues and problems that a highly experienced naval officer often encountered in international law. Stockton emphasized to Snow the need for naval officers to understand the complicated interrelationship between naval, diplomatic, and consular affairs, as well as their connections to larger political, ethical, and moral questions. For instance, he pointed out, "questions concerning missionaries constantly arise. What protection are they entitled to—not as missionaries—but as Americans?" Again,

Suppose a servile insurrection or the rising of a class of coolies or laborers who are degraded and savage. How and when does common humanity require action to save lives of white men and their innocent families—masters, overseers and employees? How justifiable is it and to what extent may be carried the landing of a force to protect legations and consulates?⁵⁰

Drawing further on his own extensive experience, he asked, "What jurisdiction has a man-of-war over the natives of northern Alaska—for the enforcement of laws in localities, for the protection of traders and schools?" Nor did he forget

the law of warfare: bombardment of commercial towns in wartime, contraband, neutrality, stoppage of breadstuffs and food supplies to a nation whose supply is seaborne, telegraphic communications in wartime. "Besides broad outlines of principles from which knowledge unexpected cases must be met, what I have referred to above may be considered an illustration of what would be needed in a course of lectures before officers of experience and years."⁵¹

For undertaking the series of lectures that Stockton outlined for him, the Naval War College paid Snow a thousand dollars. However, just as he was completing his course, Snow suddenly died. At the time, Stockton was giving his own series of lectures on other topics at the College, repeating his lecture on the Interoceanic Canal that he had given in 1887, 1888, and 1892.⁵² Thereafter he developed a number of new themes: preparation for war, contemporary French and British sea power, maps and charts for war, combined maritime expeditions, and operations in the war of 1812. Two presentations, on commerce destroying and on sea blockade, touched on issues of international law.⁵³ In addition to these wide-ranging lectures, Stockton now arranged the first discussions on situations in international law; the College published the result as a twelve-page pamphlet, including Stockton's discussion of the situation.⁵⁴ Stockton's innovative work in creating and publishing international law situations for naval officers to examine and to consider eventually matured in 1901 as the International Law Studies ("Blue Book") series, of which this volume is the seventy-first.

At the end of the 1894 course Stockton was assigned to special duty, to pick up where Snow had left off, editing his work for publication and expanding on it where needed. By the time the manuscript was completed at the end of 1894, Stockton had written three-quarters of the book, but he modestly attributed it to Snow.⁵⁵ When the Government Printing Office published the work in 1895, it became the College's first book-length publication in the field of international law.⁵⁶ In the preface, Stockton made a special acknowledgment to Professor S.U. Macvane of Harvard for his assistance and suggestions in arranging Snow's material. Thanking Stockton cordially for this generous compliment, Macvane wrote to him, "You overstate my share in the matter, however. I wish I had a small corner, somewhere between the covers, to tell how completely the book is your own work."⁵⁷

In March 1895 Stockton completed a report for the Office of Naval Intelligence on "Strategic Features of the Maritime Provinces of Canada with a special view to naval or combined operations on the part of the US."⁵⁸ Later that same year, Stockton gave his first full series of lectures on international law, largely following the book he had just published.⁵⁹ In it Stockton, as he had

done in the previous year, set forth a series of international law situations, posing specific cases for students to discuss and resolve. The proceedings of these discussions, with notes by Stockton, were published as a small pamphlet by the College in 1895 and distributed with the College's *Abstract of the Course*, 1895.⁶⁰

Return to Sea Duty

Detached from the Naval War College in July 1895 immediately after completing his series of law lectures, Stockton took command of the steel-hulled, twin-screw gunboat USS *Yorktown* on the Asiatic Station. Stockton traveled first to Japan and then on to Korea, where he found his ship at Chemulpo (Inchon). He took command on October 22. Shortly before, the Korean government had been overthrown, and Stockton's predecessor had sent an officer and a group of seaman guard to Seoul; Ensign Knepper and his fifteen men were stationed at the U.S. Legation. Upon taking command, Stockton went to Seoul to inspect the guard, confer with American diplomats, and have an audience with the Korean King, Yi Hueng.⁶¹ In early December President Cleveland's Secretary of State, Richard Olney, put an end to these activities, issuing instructions directing American naval officers and diplomats to refrain from interfering in the domestic politics of a friendly State.⁶²

For the remainder of his period of command Stockton cruised in *Yorktown*, showing the flag in various ports in China and Japan. Toward the end of his tour of duty the Commander in Chief, Asiatic Station, Rear Admiral F.V. McNair, made a formal inspection of *Yorktown*. In a detailed and extremely favorable report, McNair concluded that Stockton's "officers and men are zealous and (with good reason) are proud of their ship"—a report which earned Stockton a personal "Well done!" from Acting Secretary of the Navy Theodore Roosevelt.⁶³ In the fall of 1897 *Yorktown* sailed from Japan for San Francisco. Laying up and decommissioning the ship at Mare Island Naval Ship Yard in December 1897, Stockton returned to Newport and the Naval War College, expecting to resume his duties as lecturer in international law.

Presidency of the Naval War College

The College was not in session during the winter of 1897-1898, when Stockton returned to the study of international law, but this did not slow his work in the subject. At the invitation of Allan D. Brown, president of Norwich

University in Northfield, Vermont, Stockton delivered a course of lectures to students there. In appreciation of his effective presentation the Executive Committee of the Board of Trustees appointed him the University's "Lecturer in International Law (to have no compensation at present)."⁶⁴ Shortly thereafter, with the outbreak of war with Spain in April 1898, the Navy Department suddenly ordered to sea without relief the President of the College, Captain Caspar Goodrich (who had helped save the College in 1889-1890). In his place the Navy Department ordered Commander Stockton to assume duties as officer-in-charge, under the Commandant of the Newport Training Station. Due to the war, the Department suspended plans for the forthcoming class. There was little activity at the College during those months, but those connected with the College in Newport followed current events carefully. In early June 1898 Stockton was thinking about the sequel to Dewey's victory at Manila Bay even before the USS *Charleston* captured Guam on June 20, 1898. Reflecting on the strategic importance of the Mariana Islands in terms of their relationship to the sea lines of communication across the Pacific, Stockton wrote to Admiral Luce, "If we secure or retain a coaling station in the Philippines we would have San Francisco or the trans-isthmian canal to Honolulu, Honolulu to Guam, and Guam to the Philippines, the entire stretch across the Pacific with American stepping stones in the way of coaling stations. The north Pacific is our sphere of influence by divine right."⁶⁵

Later in June 1898 the Department ordered Stockton to prepare a revised edition of Snow's lectures, since the widely read first edition of 1895 was already out of print and a new and updated edition was urgently needed in the fleet. By August, however, the war with Spain had ended, and the Navy Department was taking no action to revive the College; by all reports, the enemies of the College and its work were once again seeking to destroy it. Theodore Roosevelt had been a strong supporter of the College, but there were rumors that his successor as Assistant Secretary wanted to move the College to Annapolis, creating a "Naval University" there. Luce, Mahan, and others returned to take up the battle, arguing the inappropriateness of such a move. Meanwhile, Stockton continued his studies on international law. To obtain the most up-to-date information he wrote to each of the Navy's fleet commanders at sea, including George Dewey and W. T. Sampson, asking them for their views on improving and enlarging the manual of international law based on Professor Snow's lectures.⁶⁶ Completing this revision on 21 October 1898, Stockton sent the manuscript to Washington for publication by the Government Printing Office.⁶⁷

Shortly after, the Navy Department issued him orders in November 1898 appointing him—still a commander—President of the Naval War College. With the institution once again at a critical juncture, Stockton moved quickly into action, sending letters to a wide variety of influential people arguing that a move to Annapolis would be fatal to the intellectual purposes of the College. Its location away from the political influences of Washington and within reach of key universities and libraries were the main points of his argument, but also noted, “The climate of Newport is conducive to mental labor all the year, which cannot rightly be said of Annapolis.”⁶⁸ Winning support for his cause in Congress, Stockton was able to keep the College in Newport despite strong opposition within the Navy Department. Thwarted, the Department nevertheless refused to assign any officers as students to the College, arguing that they could not be spared from sea duty and other more important shore assignments. Stockton expressed his strong objections to the Assistant Secretary of the Navy:

I beg leave to express my regret that it is not considered practicable, from the present outlook, to establish a course this coming season at the College. This, however, is but secondary to the more serious fact that the Department considers the study of naval warfare at this institution outside the regular work of the service. In no other country is such professional work considered secondary to the inspection of lighthouses and the inspection and manufacture of materiel.⁶⁹

Stockton turned to an old friend of the College, Rear Admiral William T. Sampson—now commander in chief of the North Atlantic Fleet—who had been, with Caspar Goodrich, on Luce’s original board to establish the College. Stockton persuaded him to have the North Atlantic Fleet rendezvous in Narragansett Bay and so arrange his ships’ schedules that fleet officers could attend an abbreviated course of lectures from May through October 1899.

In years past the Assistant Secretary of the Navy had usually come up from Washington to give the opening address to students, but without support from the Department, Stockton was faced with giving the address himself.⁷⁰ The main subject of interest during the course was an examination and critique of American operations in the War with Spain, but Stockton made sure that both naval history and international law were included. His opening address on “Preparation for War” was published and distributed to the service,⁷¹ as was his unsigned commentary on the international situations examined during the course.⁷² He himself also gave additional lectures on “The Action off Beachy Head in 1690,” an account of English joint operations directed against Puerto Rico and Cuba in the sixteenth through eighteenth centuries, and on the legal

aspects of "Submarine Telegraph Cables in Wartime."⁷³ His lectures gained strong support from fleet officers for the College, which played an important role in thwarting the effort to move it to Annapolis. Ultimately the Department met the interests of those who had opposed the College in another way, by establishing a graduate program in engineering at Annapolis.

During this period the subject of international law remained on Stockton's mind and he began to consider the possibility of a follow-on to Snow's lectures—what he described to the Secretary of the Naval Institute as "a separate work in the future upon maritime international law," a book-length study that would encompass the full range of the subject.⁷⁴ To his knowledge, nothing existed in English comparable to the works by Carlos Testa in Portuguese⁷⁵ and Captain M.F.T. Ortolan in French.⁷⁶ In the meantime, however, he forwarded his lecture on the law of submarine cables to the Naval Institute for publication.⁷⁷

Shortly thereafter he sent to the Naval Institute another Naval War College lecture, this one on a future inter-oceanic canal.⁷⁸ In it, Stockton emphasized the negative effects that the 1850 Clayton-Bulwar treaty had had for the United States. He argued that this policy needed to be changed and that the United States had the clear right to build, protect, and fortify its own canal. In addition, he argued that analysis of the strategic geography of the Caribbean pointed to the importance of the Windward Passage, between Cuba and Haiti, as the most important avenue for access to the canal. "One cork is alone necessary for this bottle,"⁷⁹ Stockton wrote. Despite the title of his article, Stockton did not see his subject in narrow geographical terms but linked it to broad global policy for the United States. He suggested that if the United States wanted to develop a sphere of influence, a naval station in Korea or in northern China was equal in importance to that in the Philippines. He acknowledged that such a base had many drawbacks: it would require many years to link it to any important commercial enterprise, and a very large naval capacity might be required to maintain it. He concluded,

The questions that will arise about the Canal will be almost exclusively maritime and with the great naval powers. To meet these powers with any tone of strength or pretension of equality in these matters we must have a competent naval marine; or otherwise we will experience those interpretations of international law that are reserved for less vigorous nationalities and weaker naval powers.⁸⁰

On Mahan's suggestion, Stockton took up the issue of the capture of enemy merchant vessels at sea. Charles Henry Butler had recently published an open letter to Mahan in the widely read *North American Review*, criticizing the

military value and effectiveness of capturing privately owned vessels and cargoes. With the thought of presenting a full view of the subject from the point of view of a belligerent who is aware of the practice and principles of international law, Stockton replied in the same journal. He argued that in the case of the major commercial nations of the world, private cargoes and vessels had a direct connection to the ability of an enemy to conduct warfare. Thus, he believed, their destruction had merit as a military measure and should be dealt with as such; at the same time, however, he was opposed to the payment of prize money. Stockton turned once again to Richard Henry Dana's argument that the sea was *res omnium*, the common field of war as well as of commerce.⁸¹

A Naval War Code

While Stockton was writing and dealing with these varied issues, he received his promotion to the grade of captain. Shortly after the academic course ended at the Naval War College in October, the Judge Advocate General of the Navy forwarded to Stockton for comment an unofficial letter to the Secretary of the Navy from Lieutenant Commander William W. Kimball suggesting that the Navy Department issue an authoritative and mandatory code or manual to cover all cases of international law that occur in the experience of a naval officer. While Stockton agreed with Kimball's suggestion that it would be desirable to have such a manual, he had considerable doubt about the practicality of producing one. "International Law is a plant of slow growth," he wrote, "and its usages must be commonly and internationally accepted. Precedents from our departments are materials for future rules rather than present ones and it is worse than useless to promulgate as rules anything which is not regarded and accepted as such by other nations."⁸² A rule, he pointed out, no matter how comprehensive it seems, can not possibly cover every case or situation. "If officers are trained to rely upon the text of concise and crystallized rules, without reference to the spirit and principles behind them, I believe they will be worse off than if they relied upon the principles and precedents alone and their native intelligence."⁸³ In Stockton's view, the best way to achieve the goals that Kimball suggested was to ensure that officers studying at the Naval War College were well grounded in the broad principles of international law, through individual study of the treatises on the subject as well as by hearing lectures and studying cases that showed the prevailing usage. This, he pointed out, was the purpose behind the College's publication of international law situations and solutions.

While Stockton found most of Kimball's suggestions impractical, he seized on one point: "the preparation of regulations upon the laws and usage of war upon the sea."⁸⁴ Pointing out the precedent of the instructions for the regulation of land warfare that Dr. Francis Lieber had prepared for the U.S. Army during the Civil War, Stockton noted they had been "epoch making and redounded greatly to the credit of the author, the war department and the country."⁸⁵ Although they had been designed for the United States Army alone, they had become the model for similar codes in other countries, and in 1880 the Institute of International Law had used them in formulating a code of the law of war on land for universal use. The Navy, however, had nothing of so comprehensive a nature, only a set of French instructions in 1870 and the U.S. Navy's General Order 492 of 1898, which dealt with some of the issues that should be included. The time was ripe to remedy the situation. "The results of the Hague conference give new matter for such a code of instructions," he wrote.

Now that we are at peace with the outside world the time would be an excellent one to draw up in accordance with the advanced humanity of the times, a code that would lead the world. As these instructions would not require any international action, and are directed to our own service, they would be undisputed authority, providing always they are in accord with definitely established international law and usage and the dictates of humanity.⁸⁶

Within a week after sending this letter, Stockton received direct orders from Secretary of the Navy John D. Long, dated November 2, 1899, directing him to prepare a draft comprehensive code, elaborating on the legal conventions established in the recent Hague Conference and embodying the laws of war at sea. Upon completion of this work Stockton was to submit it for approval to Washington. Stockton replied to Secretary Long with characteristic modesty:

In acknowledging the receipt of this order, I cannot but state that my deep appreciation of the importance and responsibility of this duty, and the demands which it makes, leads me to enter upon it with some reluctance, but as the matter comes before you for final revision and approval, I trust that in its final shape the necessary high standards will be met.⁸⁷

Stockton wrote immediately to Lieutenant Commander Kimball, who was well known at the Naval War College as an outspoken pioneer in the employment of torpedo boats and submarines. Additionally, in 1894–1897, the period leading up to the Spanish American War, Kimball was in the Office of Naval Intelligence; during those years he had worked closely with the Naval

War College on the Navy's basic war plans and strategy for that war. In his letter, Stockton asked Kimball for any further suggestions he might have, adding the hope that he might agree to be assigned to the College while this work was in progress. It would, Stockton wrote, "take some time, because if done, it should be done properly and exhaustively, and the field is a virgin one."⁸⁸ Kimball, however, had only recently reported for duty as Ordnance Officer at the Norfolk Navy Yard, and despite Stockton's encouragement it would be June of 1901 before he could get orders to the Naval War College as a student.

Seeing the new project as a vehicle to promote and to solidify the College as well as to make an important contribution to international law, Stockton asked the Secretary of the Navy for additional staff, arguing that he needed to be relieved of administrative burdens to carry out this important task. Stockton also requested a travel allowance so that he could consult professors at Harvard and use the international law library of the Boston Athenaeum, which he considered "especially valuable." In addition, he requested the Secretary to direct the Surgeon General of the Navy to give his views on the care of sick and wounded, and to ask the Secretary of State to provide to Stockton all the official discussions, proceedings, and findings of the recent Hague Conference.⁸⁹ Building on the materials already available in Newport, he further requested the Navy's Judge Advocate General send him copies of all "published or unpublished codes of the laws of war upon sea or land, authorized or in use by any of the European or civilized powers."⁹⁰ In addition, he asked permission to travel to New York to meet with Mahan, who had been a delegate at The Hague Conference, and to have discussions with Professor John Basset Moore of Columbia University, whom he characterized as "a successor of Dr. Lieber at that institution."⁹¹ Within a few weeks Stockton's requests were granted, and he was hard at work on the project to write a code of naval warfare.

By February of 1900 Stockton had reached a point where he needed the U.S. Army's current view of The Hague Convention.⁹² Working rapidly, by spring Stockton had completed a first draft of the full Code, which he circulated for comment to three naval officers: Admiral of the Navy George Dewey,⁹³ Captain A. T. Mahan, and Captain Asa Walker. Walker, who was then the next senior staff member at the Naval War College and had commanded the USS *Concord* with distinction at the battle of Manila Bay, provided Stockton with much valuable, practical advice in connection with combat operations.⁹⁴ In addition, Stockton solicited comments from several academics: Thomas S. Woolsey of Yale, John Bassett Moore of Columbia, K. H. Strobel of Harvard, and George Grafton Wilson of Brown University.⁹⁵ Collating their comments

and obtaining their approval of his work, Stockton submitted the draft to Secretary of the Navy Long on May 19, 1900.⁹⁶

In forwarding to the Secretary of the Navy the draft of his proposed regulations concerning the law and usage of war at sea, Stockton explained that he intended it primarily to be put in force by the U.S. Navy. For that reason and taking account of existing American laws, he included articles relating to privateers, letters of marque, and the capture and destruction of enemy property at sea. If, however, the law was to be subjected to international discussion, then these articles could be omitted, in view of American adherence to the Declaration of Paris during the War with Spain and with the recent American position at The Hague Conference.⁹⁷

In his letter to the Secretary, Stockton summarized the value of this work:

In addition to the manifest advantages of a formulating and crystallization of the laws and usages of naval war (a work that has never before been attempted, it is believed, by another nation), it is also hoped that this code will tend toward the amelioration of the hardships of naval warfare in general, and more particularly in the following respects:

1. By the adoption of all that is of practical value to be found in the additional articles proposed at The Hague to extend the articles of the Geneva Convention to maritime warfare.
2. By restriction to the narrowest limits the bombardment of unfortified and undefended towns.
3. By defining the status of submarine cables in wartime.
4. By forbidding bombardment as a means of ransom upon undefended towns.
5. By forbidding the use of false colors.
6. By forbidding reprisals in excess of the offense calling them.
7. By exempting coast fishing vessels from capture, where innocently employed.
8. By incorporating the liberal allowances for vessels of the enemy at the outbreak of war, and for blockaded vessels, given in the General Order No. 492, of the Navy Department.
9. By providing definitely that free ships make free goods.
10. By giving all the exemption possible to mail steamers in time of war.

11. By exempting neutral convoys from the right of search.
12. By promulgating the general classification of contraband of war in such a manner as to make an international adoption of the principles possible.
13. By authorizing the use of the regulations for land warfare, whenever applicable to the Naval Service of the United States. This has not been heretofore officially done.⁹⁸

During May and June 1900 the Secretary of the Navy circulated the draft Code in Washington. Officials at the State Department and the Navy Department suggested some changes and clarifications to the original draft, most of which Stockton accepted.⁹⁹ The only suggestion he refused was related to Article 22, on privately fitted-out hospital ships, which in the draft was a close translation of Article 3 of the recently concluded Hague Convention.

On June 27, 1900, in General Order 551, Secretary of the Navy Long issued the Code to the US Navy as a twenty-seven-page pamphlet "approved by the President of the United States."¹⁰⁰ On Stockton's recommendation, the Navy Department ordered the Government Printing Office to prepare a thousand copies of the Code, with six hundred copies to be distributed to officers of the service, two hundred copies for the future use of the Naval War College, 175 to naval stations and libraries, and twenty-five to be distributed directly by the Secretary and Assistant Secretary of the Navy.¹⁰¹ By July Stockton had finished correcting the proofs,¹⁰² and a month later he was able to send ten copies to foreign naval attachés serving in Washington.¹⁰³

Within a year it began to be favorably noticed overseas. The naval correspondent of *The Times* of London wrote, "This little Code of Laws deserves to be noted as another product of the United States Naval War College, to which we owe Captain Mahan's work on sea power."¹⁰⁴ The Code also began to attract attention within the United States. By early October 1900 the Navy Department was beginning to receive a number of requests from the public for copies. Up to that point both the Navy Department and the College had supplied copies in response to a growing number of requests, but since general distribution outside the service had not been contemplated, there were not enough copies to continue doing this. The College had already distributed five hundred copies to all naval officers from the Admiral of the Navy down to the middle of the lieutenant seniority list; shortly after, the Superintendent of the Naval Academy requested 125 for use in teaching cadets. With the supply so low, the War College recommended that another a thousand copies be printed immediately and that the Academy's order be delayed until they were

available. Nevertheless, with only 141 copies remaining, the Navy Department directed Stockton to supply one hundred copies to the Naval Academy.¹⁰⁵ As interest continued to grow in the subject, Stockton recommended to the Navy Department that it obtain a thousand copies of Lieber's *Instructions for the Government of Armies of the United States in the Field* and distribute them as a supplement to his *Naval Code*.¹⁰⁶

Soon after completion of his work on the code of naval warfare, the Naval Institute asked Stockton to submit a paper for publication. He sent them a paper that he had read before the Military and Historical Society of Massachusetts on a subject that had also been the topic of an earlier Naval War College lecture: "An Account of Some Past Military and Naval Operations Directed against Porto [sic] Rico and Cuba."¹⁰⁷ Surveying six English operations, ranging from Hawkins and Drake to the eighteenth century, Stockton pointed out that only two had been successful. In concluding his essay, Stockton linked, as is the hallmark of the Naval War College, the study of naval history with current events: "I trust that there are other teachings in such historical accounts than that of self congratulation. The obligations that have arisen with our new dependencies are greater than any strength that arises from them, and it is well to study the necessities that will arise from their maintenance and defense."¹⁰⁸

In March 1900, Stockton became the first as President of the College to take up the new additional responsibilities that came with the establishment of the General Board, a permanent body of senior officers tasked to provide professional advice to the Secretary of the Navy on naval operations and policy. As originally constituted, the Board was chaired by Admiral of the Navy George Dewey and included the Chief of the Bureau of Navigation, the Navy's Chief Intelligence Officer and his assistant, the President of the Naval War College and his assistant, and three additional officers to be selected.

By the summer of 1900, however, Stockton had intimations that he would soon be sent to sea. Thus, the Naval War College course of 1900 was Stockton's last as its President. During the course, Stockton joined Mahan and others in giving lectures that year. He gave the opening lecture that introduced students to the purpose of the course, later lecturing on "The Formation of War Charts" and finally on international law, in a series of nine lectures. In addition, he compiled the notes and commentary to the Annual International Law Situations, of which a thousand copies were printed and distributed to the service.¹⁰⁹

Relieved as President of the College by Captain French Chadwick on 25 October 1900, Stockton remained assigned to the Naval War College on special duty. In this capacity, he and his family went to New York City, where

Stockton began to compile cases in international law that in his judgment were of special interest to the naval service, but that Freeman Snow had not already included in his 1893 volume of *Cases and Opinions*.¹¹⁰ In particular, he focused on gathering precedents and cases from recent experience in the Sino-Japanese, Spanish-American, and South African wars,¹¹¹ as well as some current topics from his own experience: American jurisdiction in the Bering Sea, cooperation of civilized powers in non-Christian and semi-civilized countries, submarine cables, blockade, and the arrest of deserters. The Naval War College staff arranged and published Stockton's compilation (with some further additions) in 1904.¹¹²

On Stockton's advice, his successor at the Naval War College moved to promote the further study of international law in Newport. Citing Stockton's work during the course given in 1900, Chadwick urged that the Navy employ a highly qualified instructor in the subject,

in order to make the work here not merely instructional, but developmental, by throwing the work of thought to a great degree upon the officer himself. Ordinary lectures in international law are, to officers who have been dealing with the subject more or less during their careers (which in the case of some who have attended have extended over forty years) ineffectual means in the development desired, unless they deal in the newer aspects of the subject, as was the case of some delivered last summer [with a series of lectures on "Insurgency" by George Grafton Wilson].¹¹³

Stockton took the lead in researching new material for the College's use, while Chadwick moved away from the passive lecture format and replaced it with an active approach, using creative research and problem-solving. In New York Stockton had persuaded John Bassett Moore of Columbia to take up the position Chadwick had announced, and the Naval War College employed him for this purpose at a thousand dollars a year.¹¹⁴ Moore agreed with the method of situations and discussions as a means to "create a much greater personal on the part of the officers upon whom will be thrown the burden of personal research." Chadwick wrote, "This method involves a decided stimulus of emulation and interest such as mere lectures cannot give."¹¹⁵ Chadwick also requested additional funds to purchase books for the Naval War College library, to obtain additional lectures on special topics in law, and to distribute printed versions of the lectures and situations. "Action of the kind mentioned," Chadwick wrote, "would tend to link the college with the universities of the country and place the service in greater sympathy with our more thoughtful men: a thing from every point of view much to be desired."¹¹⁶

At the same time, the College found that Stockton's work, both in his *Manual of International Law Based on Snow's Lectures* and his *A Naval War Code*, was in such high demand that the College President urged the Navy Department to authorize immediate new editions of both works.¹¹⁷

Battleship Command

Completing the draft of his compilation of international law cases for the Naval War College, Stockton then wrote a short article for *Forum* on the "Laws and Usages of War at Sea"¹¹⁸ before heading off for sea duty in the Pacific. Traveling to California by rail, he took passage across the Pacific. In Hong Kong harbor on March 11, 1901, Stockton took command of the eleven-thousand-ton battleship USS *Kentucky*, which had arrived from the United States on her maiden voyage only a few weeks before. In the previous year the U.S. government had drawn down naval forces in that area, decommissioning its heavy units in the western Pacific; the arrival of the *Kentucky* in the Far East indicated a clear change of policy in Washington,¹¹⁹ and Stockton's assignment to command that ship was clearly a mark of approval from the Navy Department. Stockton wrote to his friend and successor at Newport, French Chadwick, of his arrival in Hong Kong and his first sight of his new command. Chadwick replied, "I am glad that you like your ship. You could, of course, hardly help doing so, as we have nothing better afloat."¹²⁰

Shortly after Stockton took command, Rear Admiral Louis Kempf made *Kentucky* his flagship as Commander of the Southern Squadron of the Asiatic Fleet. A year later, his successor, Rear Admiral Frank Wildes, chose the station ship in Manila, USS *Rainbow*, as his flagship; at that point, Stockton took on the additional duty of Chief of Staff, Asiatic Fleet, and *Kentucky*, as the largest American warship present, became the flagship of Rear Admiral Robley Evans, commander in chief of the Asiatic Station. Anxious to make his command into an effective fighting force, Evans attempted to unite the three squadrons of the Asiatic Fleet and to conduct "fleet evolutions" with his sixteen ships of varying types and sizes.¹²¹ Due to the incompatibility of the various ship-types, these exercises were not successful, but Evans had high praise for the commanding officer of his flagship. During drills at Subic Bay shortly after Christmas 1902, as Evans wrote in his published memoirs, "the handling of my flagship during this manoeuver was such as to bring from all who saw it unstinted praise. Captain Stockton showed his ability as an able and accomplished seaman."¹²²

During the period of Stockton's command the ship visited a variety of East and Southeast Asian ports in protection of American interests, including Manila, Olongapo, Labuan, Singapore, Chefoo, Taku, Nanking, Woosung, Amoy, Nagasaki, Kobe and Yokohama. Stockton's journal for this period consists largely of a record of salutes fired, lists of distinguished callers on board, officers ordered and detached, and ceremonial and social events.¹²³

Naval Attaché Duty and Flag Rank

Following his relief from command of the battleship *Kentucky*, Stockton was ordered to the American Embassy in London, where he served as U.S. Naval Attaché from May 1903 to December 1905.¹²⁴ Stockton and his family left New York on the steamer *St. Paul* on 20 May 1903 and arrived in England eight days later, settling into an apartment at 210 Ashley Gardens. Stockton arrived in England at an interesting moment in the history of the Royal Navy. His two and a half years as naval attaché spanned the period when Admiral Lord Walter Kerr ended his period as First Sea Lord and Admiral Sir John Fisher began his first term in that office.¹²⁵ Stockton was in a position to observe at first hand the growing rivalry between Britain and Germany, as well as Fisher's style of reform, first as Second Sea Lord, then as Commander in Chief at Portsmouth, and from October 1904, his first fourteen months as First Sea Lord.

While Stockton was in London many of the leading Americans interested in international law met at Lake Mohonk in the Catskills to establish the American Society of International Law. Although he did not play a direct role in the formation of the Society, he was among its original members, and the Society invited him to give an address at the Society's first annual meeting in Washington in April 1907. At that meeting, on the eve of the Second Hague Conference, Stockton took as his theme the question,¹²⁶ "Would Immunity from Capture, during War, of Non-offending Private Property upon the High Seas Be in the Interest of Civilization?" The answer, he argued, depended upon "whether the execution of this war right made for the prevention of war or not. If it is, it is in the interest of civilization."¹²⁷

On January 7, 1906, upon his return to the United States, Stockton was promoted to rear admiral. In this grade he served in Washington on a number of boards and special assignments: as President of the Board of Inspection and Survey, of the Naval Examiners Board, and of the Naval Retirement Board. In August 1906 Secretary of the Navy Charles Bonaparte appointed him to the Personnel Board, chaired by Assistant Secretary Truman Newberry.

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Finally, when the Special Service Squadron was formed to represent the United States at the Bordeaux Maritime Exposition, Stockton was ordered to its command, in the only assignment in which he flew his flag at sea. Consisting of the armored cruisers *Tennessee* and *Washington*, the squadron visited a variety of French ports. At this time, U.S. relations with Japan were extremely tense. When Stockton's squadron encountered a Japanese squadron under Vice Admiral Ijuin at Brest, there were false reports in the press of tension between the crews of the two squadrons and that Stockton's ships were the vanguard of a fleet to be sent to the Pacific. Quashing the rumors, Stockton told reporters,

The newspapers make the war scares. I haven't seen any American newspapers and I don't know how much of a war scare you have been making here, but I can tell you that, so far as indications I have seen are concerned, the possibilities of a war with Japan seems very remote. There has been absolutely nothing in our cruise that we have encountered to suggest that the Japanese felt anything but good will toward us.¹²⁸

Stockton also told reporters that he would retire on October 13, 1907. When asked what he intended to do, he replied,

I am a man with four homes and I am in something of a quandary as to where to live when my active service is over. Having married a wife from New York, it is of course impossible for me to live in Philadelphia, my old home. Newport has some claims on me, but on the whole I think I shall live in Washington. When a Congressman dies they say he goes to the Senate, and I suppose Washington is the heaven of retired naval officers.¹²⁹

The London Naval Conference

Stockton did retire from active duty in October, though he and his wife first took up residence after all in New York City, at 22 West 9th Street. In early 1908 he wrote an essay on the subject of the "The Use of Submarine Mines and Torpedoes in Time of War,"¹³⁰ a subject that had arisen for the first time at the Second Hague Conference and which remained of immediate interest. While the rules that the conference had established on this topic did not go as far as he would have liked, Stockton believed that "the half loaf is certainly better than no loaf at all. By the next conference it is hoped that the safety of the high seas will be provided for in a more effective and comprehensive manner than the rules which were finally formulated in The Hague."¹³¹

Later in 1908, Great Britain called an International Naval Conference to frame a code of laws for naval warfare and to establish an International Prize Court, following the recommendations of the Second Hague Peace Conference. The conference was to determine as many principles of international maritime law as possible, and it was attended by representatives of the United States, Great Britain, France, Germany, Italy, Austria-Hungary, Russia, Spain, the Netherlands, and Japan. The United States appointed Stockton as its first delegate to the London Naval Conference, to be held in 1908-1909. Professor George Grafton Wilson of Harvard accompanied Stockton as the second delegate, and Ellery C. Stowell was secretary to the delegation.

In preparation, the Secretary of the Navy directed the Naval War College to consider the range of issues that might come before the conference and produce a set of recommendations that could be the basis for instructions to the American delegates. Rear Admiral John P. Merrell, President of the College, submitted a list of twenty-five questions to each of two committees of five officers apiece. The questions ranged from "What regulations should be made in regard to abolition, limitation and classification of contraband?" to "What attitude should be assumed on convoy?" and "Should ransom be allowed? When?" The views of the two committees were dramatically different. The first committee answered each of the twenty-five questions within narrow confines, concluding, among other things, that contraband should not be abolished and that ransom should not be allowed. It split over the issue of convoy, two members for the idea that neutrals convoying by their own ships were immune from search, and three holding that the presence of an escort flying the same flag did not affect the treatment of a neutral convoy. The first committee agreed, however, that a neutral merchant ship being convoyed by a warship of a different neutral nation was not exempt from search by a belligerent.¹³²

The second committee took a quite different approach, choosing first to establish a broad policy approach, and producing a diametrically opposed view: "The general policy of the United States as to the rules to be advocated as a basis of International Law should be to bring about the adoption of such rules as will be most advantageous to the United States while being as little advantage as possible to a possible enemy of the United States."¹³³ The committee reviewed potential wars with South American nations, Britain, and Japan, and the committee members concluded that the United States would need practically all articles now considered as absolute contraband. On the other hand, food supply by sea was not essential to the United States; while it might be to an opponent, the United States could not hope to starve any first

class power by cutting off its food supplies. Moreover, they felt it unlikely that the United States would have anything more than a small amount of mercantile shipping. Therefore, the second committee argued that "the general policy of the United States should be to the following end: (1) Abolish contraband. (2) Limit un-neutral service as far as possible, keeping in view that it would be better for the United States if no such rule existed. (3) Abolish the principle of continuous voyage. No discussion is needed to show that the above would give neutrals every advantage and that this would be very advantageous in case the United States being a neutral."¹³⁴ They answered the full set of questions along similar lines, taking the view that ransom should be allowed at the option of the captor and that, since contraband would be abolished, a verbal declaration of the convoy commander should be sufficient to verify that the ships under his protection had no intention to violate a blockade or to perform non-neutral service.

The disparity between the two Naval War College committees reflected the lack of consensus on these issues within the U.S. Navy.¹³⁵ A month later, the State Department had formally asked the Navy Department for its views relating to the instructions for US delegates. After further consideration of the issues, Admiral Merrell replied that the positions taken in the College's "Blue Book" *International Law Discussions, 1903*¹³⁶ be made part of the instructions. This volume was the result of an effort led by Professor George Grafton Wilson to adapt Stockton's 1900 Code from a purely internal regulation for the U.S. Navy to the basis for an international agreement to which the United States would be a party.¹³⁷ In addition, Merrell suggested a number of additional statements should be made in regard to issues that the British ambassador's letter of invitation to the Secretary of State of March 27, 1908, had suggested would come before the Conference.¹³⁸ The Naval War College formally recommended that the United States take the following positions:

(a) *Contraband*. First, military materials, arms and other articles, solely of use for war, when within or destined for territory within the enemy's jurisdiction. Second, anything destined for the enemy's naval or military use.

1. . . .

2. In general, the penalty for the carriage of contraband is the loss of freight, and delay during adjudication, and if the owner of the contraband is owner in the vessel carrying the contraband, the condemnation of his portion of the vessel.

3. Neutral merchant ships, under neutral convoy are exempt from visit and search.

4. The question of compensation where vessels have been seized but have been found, in fact, only to have been carrying innocent cargo, should be determined by the court in each instance upon its merits.

(b) A vessel is liable to the penalty for violation of blockade from the time of her departing from neutral jurisdiction, with the intention to violate blockade, until the completion of her voyage.

In case the master of a vessel receives warning direct from a government vessel, or it is clear that he knows of the existence of the blockade from official or private information or from any other source, such master shall be considered to have received actual notice of the blockade.

In the following cases it shall be deemed that the notice of the declaration of the blockade has been received:

1. The case in which the master of a vessel is considered to have received a notice of the blockade whether he has actually received it or not, such notice having been sent to the proper authorities of the country to which the vessel belongs, and there having elapsed a sufficient time for the authorities to notify the residents of their nationality.

2. The case in which the master of a vessel is considered to have received a notice of the blockade, the fact of the blockade having been made public.

(c) As to continuous voyage, the actual destination of vessels or goods will, as a rule, determine their treatment on the seas outside of neutral jurisdiction.

(d) If there are controlling reasons why enemy vessels may not be sent in for adjudication, as unseaworthiness, the existence of infectious disease, or the lack of a prize crew, they may be appraised and sold, and if this cannot be done, may be destroyed. The imminent danger of recapture would justify destruction, if there was no doubt that the vessel was good prize. But in all such cases, all the papers and other testimony should be sent to the prize court, in order that a decree may be duly entered.

If a seized neutral vessel cannot, for any reason, be brought into port for adjudication, it should be dismissed, except when the master and crew refuse to

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aid in bringing the vessel to a prize court, or when the vessel is guilty of unneutral service, in which case the vessel may be treated as an enemy vessel.

(e) Neutral ships and persons acting in such manner as to identify themselves with the enemy are guilty of unneutral service, and are liable to treatment as belligerents.

(f) The conversion of merchant vessels into war vessels should not be allowed on the high seas.

(g) The transfer of vessels, when completed before the outbreak of war, even though in anticipation of war, is valid if in conformity to the laws of the state of the vendor and of the vendee.

The transfer of a private vessel from a belligerent's flag during war is recognized by the enemy as valid only when bona fide and when title has fully passed from the owner and the actual delivery of the vessel to the purchaser has been completed in a port outside the jurisdiction of the belligerent states in conformity to the laws of the state of the vendor and of the vendee.

(h) The domicile of the owner should be the dominant factor in determining the treatment of property in time of war, though a strict rule to this effect would be open to many exceptions.¹³⁹

In their official instructions, Stockton and Wilson were directed,

As to the framing of a convention relative to the customs of maritime warfare you are referred to the Naval War Code promulgated in General Order No. 551 of the Navy Department of June 27, 1900, which has met with general commendation by naval authorities throughout the civilized world and which in general expresses the views of the United States, subject to a few specific amendments suggested in the volume of international law discussions of the Naval War College of the year 1903, pages 91 to 97. The order putting this code into force was revoked by the Navy Department in 1904, not because of any change of views as to the rules it contained, but because many of those rules, being imposed upon the United States by the order, would have put our naval forces at a disadvantage as against the forces of other powers, upon whom the rules are not binding. The whole discussion of these rules contained in the volume to which I have referred is commended to your careful study.¹⁴⁰

The two delegates to the London Conference, Stockton and Wilson, hardly needed further study of this volume. Nevertheless, the explicit mention of this volume in the orders gave a formal affirmation to their earlier work and to the effort of the Naval War College in this area.

Two months before the conference began, Foreign Secretary Sir Edward Grey suggested to the United States that the American and British naval delegates meet before the conference and come to some practical agreement on the questions under discussion, creating a joint position on common Anglo-American interests. Stockton went to London, although at that point he had no formal instructions beyond the views that the Naval War College had provided. There he met with Admiral Sir Edmond Slade and Admiral Sir Charles Ottley, both of whom Stockton had known from his days as a naval attaché. The British representatives seem to have misinterpreted Stockton's natural reticence for agreement. In his private diary, Slade described Stockton as "deaf & not very quick" but "very conciliatory." Slade had the impression that the United States would "support our views throughout."¹⁴¹ In fact Stockton was at the time writing to Washington that "practically the only thing of any importance between our precedents and rules and that of the British of consequence is the right of search of vessels under convoy of vessels of war. I told them that we could not concede that right—from mere self-respect—and I was assured that they were willing to give that up as they stood alone in that matter."¹⁴² President Merrell of the Naval War College agreed that the United States should stand firm on the convoy issue, asserting further that "anything, no matter what its character, destined for the use of the enemy's military or naval forces, is contraband."

When the conference convened the State Department maintained the American position, often refusing to compromise. The issue of contraband became a particularly divisive one, as did the doctrine of continuous voyage. British expectations that the United States would follow its lead and compromise evaporated quickly. The British became exasperated with its inflexible stance in attempting to gain international approval for the Naval War Code; Slade confided to his diary, "The Americans are impossible and there is a strong probability of their wrecking everything."¹⁴³ Going even so far at one point as to walk out of the Conference, Stockton finally succeeded in getting removed from the declaration an article declaring that absolute contraband could be condemned only when the captor provided absolute proof of enemy destination. The United States agreed to maintain the doctrine of continuous voyage for absolute contraband and blockade, but to abolish it for conditional contraband. Stockton joined the other delegates in signing the final document of the Conference, the seventy-one articles of the Declaration of London Concerning the Laws of Naval War of 26 February 1909. Despite these efforts, no State would ratify the Declaration when the British parliament refused to approve it. Nevertheless, it was applied by the participants in the

Turco-Italian of 1911, the Balkan Wars of 1912–1913, and with modifications by the French and British between 1914–1916 during World War I.

In April 1909, shortly after the London Naval Conference, Stockton would summarize its work in an address to the American Society of International Law. Taking pride in the work of the American delegation, he pointed out that Chapter One of the Convention on blockade in time of war codified and crystallized what had been the American practice and jurisprudence on that subject.¹⁴⁴ He explained the compromise whereby the United States had given up the doctrine of continuous voyage for blockade and conditional contraband in order to obtain agreement with its application to absolute contraband, a view several nations accepted at the Conference for the first time.¹⁴⁵ Several attempts had been made during the conference to revive the old “Rule of 1756,” which would treat as an enemy merchant vessel any neutral engaging, with the consent of an enemy government, in trade forbidden to them in time of peace. The American delegation had successfully fought these attempts, since in Stockton’s view they might affect future development of American coastal trade that would follow the opening of the Panama Canal, and the increased trade with American possessions in the West Indies and in the Pacific.¹⁴⁶ Most importantly, Stockton pointed out, “For the first time in history the great sea powers—and consequently the great powers of the world—have agreed upon a code formulated with very considerable detail and precision, which settles many disputed questions of maritime warfare.”¹⁴⁷ Despite the difficulty of the negotiation, it had been an accomplishment that in no small measure was his own, but he was well aware that there was more work to be done.

In his remarks Stockton would also note that in order to smooth the way for American ratification of the 1907 protocol on establishment of the International Prize Court at The Hague, the American delegation had proposed that cases coming before it be considered rehearings *de novo*, as direct claims for compensation, rather than as appeals to a court that might be considered higher than national courts. Agreement on this point allowed the United States to circumvent constitutional issues which would have otherwise prevented ratification of that agreement.¹⁴⁸

Academe, and the First World War

Upon his return from London, Stockton and his wife settled in Washington, D.C. where he lived for the remainder of his life, at 2019 O Street, N.W. He quickly became associated with George Washington University, which

awarded him an honorary doctor of laws degree in 1909, recognizing his contributions to international law. The following year, George Washington University appointed Stockton as lecturer in law and diplomacy. During Stockton's first year at George Washington he wrote his *Manual of International Law for the Use of Naval Officers*, first published under that title in 1911.¹⁴⁹ The outline and approach of the new book clearly followed the model of his earlier 1894 *Manual Based upon Lectures Delivered at the Naval War College*. In his preface to the new volume, Stockton wrote,

My study of international law, begun at the United States Naval Academy and continued during my mature years at the Naval War College, convinces me that to no service of government is a knowledge of international law more valuable than to that of the navy. I might also add that, so far as my experience goes, there is no naval service whose members are more familiar with the tenets of the laws of nations than our own.¹⁵⁰

In April of 1910, George Washington University elected Stockton a member of its Board of Trustees, and in May appointed him acting president of the university. During these years the university was in financial difficulty and surrounded by controversy. Stockton effectively set about restoring confidence in the university, reorganizing the administration and its finances.¹⁵¹

Despite the administrative burdens placed on him, Stockton continued his interests in international law. In 1912 he returned to the subject of the codification of the laws of naval warfare in an address before the American Society of International Law. Speaking at the Society's annual meeting, he suggested that the agreements in the Declaration of Paris, the First and Second Hague Conventions, and the Declaration of London provided sufficient material from which to form the component parts of a naval code. However, taken together, they left thirteen major questions that still needed to be settled:

1. The conversion and reconversion of merchantmen and warships.
2. The status of aliens engaged in sea trade in the enemy's country.
3. The Rule of 1756. The status of neutral vessels engaged in wartime in trade forbidden them in peace time, including cabotage and petit cabotage.
4. The use of false colors in war time by belligerent warships.
5. The use and treatment of telegraphic cables in wartime.
6. The immunity from capture of private property at sea.
7. The formation of a volunteer navy. Privateering.
8. The extension of immunities from search and detention of neutral mail steamers in wartime.
9. The extension of the width of the marginal sea belt or marine league.

10. The recognition and status of insurgent warships at sea.
11. The rules of the visits of belligerent warships in neutral ports, their internment, refueling and extent of their periods of return.
12. The definite period allowed to an enemy ship in port at the outbreak of war or declaration of blockade—days of grace.
13. The status of pacific blockade in regard to merchant vessels of Powers not immediately concerned.¹⁵²

Stockton declared, "I think it is not unreasonable to hope and expect that at the next Hague Conference the beginning of a codification of the rules of naval warfare may be begun. The revision of this sea code will follow in the successive meetings after a trial which is likely to be had in the occasional, or may we hope for the future, in the *rare* occurrence of maritime war."¹⁵³

Returning again to his long-standing interest in the Caribbean basin, he wrote two essays¹⁵⁴ in which he objected to the Panama Canal Act of 1912, which Congress had passed on 24 August of that year, less than ten days after the canal first opened for traffic. This Act exempted U.S. coastwise trade from payment of the canal tolls, whereas, Stockton pointed out, the Hay-Pauncefote Treaty had provided that the canal would be free and open to merchant vessels and warships of all nations on entirely equal terms. Majority opinion in the United States interpreted the treaty provision to mean uniformity of rates when charged, but Stockton pointedly argued that the phrase "all nations" included the United States and U.S. vessels could not be exempt from tolls. As one of the few Americans who had long experience with both the country's strategic interests and its international legal responsibilities in connection with the Panama Canal, Stockton's voice carried great weight. Under pressure of this sort, Woodrow Wilson asked Congress to repeal the Act in 1914.

Throughout his career, Stockton was an advocate of legal equity before the law as well as restraint in warfare, but at the same time he remained an advocate of preparedness and a strong navy. Speaking at the University of Chicago in early 1913, on the very day that Congress made a deep cut in appropriations for future naval construction, Stockton declared that an increase in the country's naval forces would be a measure for common safety. "Every year should be a year of preparation and construction in the navy, so long as wars cannot be eliminated and armaments continue to increase. Woe to any country which leave its coast, its coast towns and its export trade the subject of injury and destruction on account of a weak navy."¹⁵⁵ On the other hand, he advocated that the United States reduce the area to which it applied the Monroe Doctrine, limiting it to the West Indies, the Caribbean, and the Gulf of Mexico. He urged that the United States establish a defense board for

this area and that it create a naval program that would render it "an American Mediterranean, under full and perpetual control of the United States."¹⁵⁶

Stockton remained keenly interested in the academic study of international law. In 1914, he represented George Washington University at the first conference of teachers on international law, organized in 1914 by the American Society of International Law and the Carnegie Endowment. To fill the need for a textbook in this area, the New York publisher Charles Scribner and Sons asked Stockton to prepare a volume on international law to supersede Theodore Woolsey's study, which they had kept in print with notes by Woolsey's son. Stockton's new volume, *Outlines of International Law*, which appeared in late 1914, was by far the largest of his books, extending to 616 pages in length. In his introduction, Stockton noted the great need at that moment for an authoritative textbook for students of law as well as for the general public. "The deplorable war which is being carried out at the time of this writing," he said, "has created many complex problems and delicate situations in connection with international law. It has been said by good authority that there have arisen more vexed questions in international law during the first six weeks of this war than in the entire period of the Napoleonic contests."¹⁵⁷ Stockton made a particular point of including in the book Richard Henry Dana's notes on recognition of belligerency and independence, which he had long felt were classics on the subject but had been denied publication in the United States since the legal dispute over Dana's 1886 edition of Wheaton.¹⁵⁸ The *New York Times* reviewer believed that it would get "a warm welcome," particularly as it appears "just at this moment, when American are seriously discussing important questions involving American rights and responsibilities thrust upon them through the operations and attitudes of the powers now engaged in war."¹⁵⁹

As World War I unfolded, Stockton watched maritime events with great interest. In January 1915 a German raider captured and sank the first American merchantman, and in March two American vessels were lost to mines in the North Sea. Deeply concerned even before the United States had suffered serious losses at sea, Stockton set out to inform the American public about the issues. Writing in the widely read journal *The World's Work*, Stockton explained that "the outbreak of war automatically divides all civilized nations of the world into two general classes, belligerents and neutrals. . . . There is no choice; countries can not manage to refuse war once declared against them, and neutral governments must be either impartial and cannot shade their neutrality into either a state of sympathetic or that of unfriendly neutrality."¹⁶⁰ After outlining the development of the law, he summarized the

world situation as he saw it, rehearsing the thirteen points he had earlier compiled as the main unsettled question in the law of maritime warfare. He could now add a fourteenth: the laying of floating mines upon the high seas. "Besides the settlement of these questions there remain glaring defects in connection with international law:"

1. Insufficient means for enforcing the rules of international law and for enforcing and punishing infractions.
2. The inconsistent treatment of innocent non-combatants, who are not allowed on the one hand to defend themselves and their homes against intrusion and violence of the military forces of the enemy, but who can be killed and maimed by surprise, if innocently occupying residential portions of defended towns and of certain undefended towns and places.
3. The evasion of conventions and treaties concerning the rules of war on account of the non-adherence of one of the belligerents, no matter how insignificant the nationality may be.
4. A common agreement as to military necessities.¹⁶¹

In 1917, Stockton prepared a revision to his *Manual for the Use of Naval Officers*, adding a supplementary chapter, an updated bibliography, an index, and additional documents in the appendix, notably the text of the U.S. neutrality proclamation.¹⁶² The following year Stockton resigned from the presidency of George Washington University, though he retained his post as lecturer in international law and diplomacy until 1921. Recognizing his great success in leading the university, the Board of Trustees formally minuted that he had taken up the post "when the affairs of the university were at a crisis. . . . Its steady and peaceful growth has been the result of conservative methods maintained within the lines of constructive expansion. The characteristic of Admiral Stockton's administration has been the firm security with which each step has been safely and permanently retained."¹⁶³

Retirement

Stockton remained active in the field of international law. From 1908 until 1924 he was repeatedly reelected as a member of the Executive Committee of the American Society of International Law, and he regularly participated in the work of the Society. At the 1919 annual meeting, he commented on the Covenant of the League of Nations and on the recommendation for an International Law Conference.¹⁶⁴ In his next published writing he made a careful examination of American policy and the 1856 Declaration of Paris in

terms of its four principal issues: the abolishment of privateering, the safety of a neutral flag for enemy goods other than contraband, the protection of neutral goods other than contraband under an enemy flag, and the idea that blockades in order to be binding must be effective. He concluded that while the United States had never signed the Declaration, taking exception to the abolition of privateering, it was an issue that subsequent maritime history had shown to be unimportant. In this area the United States followed the other doctrines, those declared officially during the Spanish American War, and were either literally included or implied in the *Naval War Code of 1900*, and contained in the 1908 Declaration of London—which he believed had exhaustively defined the subject of blockade.¹⁶⁵ In preparation for the Washington Conference in 1921, Stockton served on the Society's subcommittee to formulate changes to the laws of warfare. At the Society's annual meeting that year Stockton noted that the laws "have not been disclaimed even in recent wars, even if in some cases they were not followed to a full extent by a delinquent belligerent. The existence of vice does not nullify virtue."¹⁶⁶ In April 1923, thirteen months before his death, he rose for the last time at the American Society of International Law annual meeting to give a brief comment on the three-mile limit.¹⁶⁷

Stockton died, aged seventy-nine years, of heart disease at his O Street home in Washington on May 30, 1924. Following a funeral in his parish church, St. John's Episcopal Church at 16th and H streets, he was buried in Arlington National Cemetery.¹⁶⁸

In nineteenth century America, many people considered the establishment, clarification, and dissemination of international law as only a branch of the larger field of law. Typically the men involved were either statesmen, who established practices and doctrine, judges, who made important decisions, and scholars, who contributed to the gradual evolution of education and literature on the topic. Although the practice of naval operations played an important role, it was unusual during this period to find a naval officer who was a distinguished student and writer in this period. From the 1880s to the early decades of the twentieth century, Charles Stockton was certainly the most important figure for the development of international law in the U.S. Navy. While he is most often remembered as the author of the *Naval War Code of 1900* and as the principal American delegate to the London Conference in 1908–1909, which translated his *Code* into International Law, he had an even greater and wider influence within the Navy. He was a key figure in the institutional history of the Naval War College, nurturing and sustaining it at

critical times in its second decade. He supervised construction of its first purpose-built building, saved the College from dissolution in 1899, and laid the foundation for its continuing work on the subject of the law of naval warfare. On a wider stage within the Navy, his textbooks and manuals for the study of international law, and his initiative in promoting the practical study of international law through wide ranging discussions centered on situations, influenced generations of American naval officers as well as others interested in the subject of international maritime law. In addition to these achievements, he was an accomplished seaman, commanding the Navy's newest battleship in the Far East, and leading a significant voyage of exploration of Alaska and the Arctic.

Several days after his death, in an editorial supplementing his obituary printed the previous day, *The New York Times* praised his contributions to international law and recalled that Stockton had been "a great sea lawyer as well as a capable and energetic officer with a credible service afloat." After outlining his contributions to international law and noting his reputation as the best-informed man in the U.S. Navy on international law, the editorialist offered an assessment: that he "has been compared as a naval author with Admiral Mahan, but the fact should not be lost sight of that Mahan preferred the library to the deck of a ship. This was not the case with Stockton."¹⁶⁹

Notes

1. Naval War College Archives, record group 3, box 173: Chair of International Law, file 12,040.
2. The sections on his early life are largely derived from the manuscript, *Recollections of My Life, Afloat and Ashore, from the Beginning to My Arrival in Rio de Janeiro in 1866*. Naval Historical Collection, Naval War College, ms. coll. 56: Stockton Papers, box 2, folder 4A [hereafter *Recollections*].
3. Transcription of letter from Rev. Thomas Stockton to Rev. William Stockton, (July 5, 1861) in *Recollections*, *supra* note 2, at 15a.
4. DAVIS, NIMROD, OR THE AMERICAN WHALEMAN (1874).
5. *Recollections*, *supra* note 2, at 24.
6. *Id.* at 28.
7. Letter from Commanding Officer, USS *Sabine* to C.H. Stockton (Feb. 20, 1866), Stockton Papers, box 1, folder 1.
8. *Recollections* (Part 2), *supra* note 2, at 15.
9. *Id.* at 17.
10. STILL, AMERICAN SEAPOWER IN THE OLD WORLD: THE UNITED STATES NAVY IN EUROPEAN AND NEAR EASTERN WATERS, 1865–1917, at 64–66 (1980).
11. One shipmate wrote his memoirs of this voyage. SCHROEDER, A HALF CENTURY OF NAVAL SERVICE 77–104 (1922).

12. Letter from Captain R. Chandler to Secretary of the Navy (Sept. 14, 1881), Stockton Papers, box 1, folder 1.
13. Cornelia Stockton, later wife of Captain Frederick A. Traut, USN, (1871–1958), U.S. Naval Academy class of 1892.
14. GLEAVES, THE ADMIRAL: THE MEMOIRS OF ALBERT GLEAVES, ADMIRAL, USN 23 (1985).
15. Letter from Captain D.B. Harmony to Secretary of the Navy (Sept. 6, 1881), Stockton Papers, box 1, folder 1.
16. See letters from these boards acknowledging with deep regret his resignation from the boards on his assignment to sea duty in April 1889. Stockton Papers, box 1, file 1.
17. STOCKTON, ORIGINS, HISTORY, LAWS, AND REGULATIONS OF THE UNITED STATES NAVAL ASYLUM, PHILADELPHIA (1886).
18. Stockton, *The Naval Asylum and Service Pensions for Enlisted Men*, 12 NAVAL INST. PROCEEDINGS 53 (1886).
19. Comment, 13 NAVAL INST. PROC. 541 (1887).
20. Letter from Richard Wainwright to Stockton (Oct. 8, 1888), Stockton Papers, box 1, folder 1.
21. Stockton, *Simpson's Timber Dry Docks*, 13 NAVAL INST. PROC. 221 (1887).
22. Letter from Rear Admiral S.B. Luce to Stockton (Jan. 4, 1888), Stockton Papers, box 1, folder 1. See also, Knight, unpublished typescript, History of the Naval War College to 1914, pages for 1887 and 1888, Naval Historical Collection.
23. Lectures 2 and 3 of this series, given in 1887 and 1888 are "Strategic Studies in the Gulf of Mexico, Caribbean Sea, and the Pacific Ocean," Naval War College Archives, record group 8, series 1, box 27, file S. For an example of Stockton's sources, see the transcription of the letter from Commander Colby M. Chester to Rear Admiral Luce (July 9, 1888) on pp. 8–9 of lecture 2.
24. See letter from A.T. Mahan to Horace E. Scudder (Sept. 26, 1890) in LETTERS AND PAPERS OF ALFRED THAYER MAHAN 26 (Seager & Maguire eds., 1975).
25. REPORT OF THE SECRETARY OF THE NAVY, 1889, pt. 1, 124–67 (1890).
26. Exchange of telegrams between Bureau of Navigation, Stockton and Emory (Apr. 1889), Stockton Papers, box 1, folder 1. There is no hint of this in THE LIFE OF AN AMERICAN SAILOR: REAR ADMIRAL WILLIAM HEMSLEY EMORY, UNITED STATES NAVY (Gleaves ed., 1923).
27. Journal of the Cruise of the Thetis in Alaskan and Arctic Waters May 31st 1889 to [13 October 1889, off Sitka], entry for July 21, 1889. Stockton Papers, box 2, folder 5, [hereinafter Journal] quoted in SHULMAN, NAVALISM AND THE EMERGENCE OF AMERICAN SEA POWER, 1882–1893, at 92–93, (1995).
28. *Id.*, entry for Sept. 15, 1889, quoted in SHULMAN, *supra* note 27, at 93.
29. Undated clipping from *The Spirit of Missions*, c. 1925, at 602–603, Stockton Papers, box 3, folder 7.
30. Letter from John W. Wood, National Council Protestant Episcopal Church, to Marcus Bergman, National Museum, Washington, D.C. (July 14, 1924), Naval Historical Collection, Naval War College, ms. coll. 56: Stockton Papers, box 1, folder 3. See also Journal, *supra* note 27. Stockton visited Cape Hope on three occasions in this period, 4–5, 24 July, 10–20 September 1889. For his dealings with the natives, see, in particular, pp. 150–61.
31. Letter from Commissioner, Bureau of Education, Interior Department to Stockton (Apr. 11, 1890), Stockton Papers, box 1, folder 1.
32. Alaska Historical Society certificate, Sitka, Feb. 14, 1890, Stockton Papers, box 1, folder 1.

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33. Stockton, *Arctic Cruise of U.S.S. Thetis in the Summer and Autumn of 1889*, 2 NAT'L GEOGRAPHIC MAG. (1890) [hereinafter *Arctic Cruise*]. The article includes a map, showing the track of the *Thetis*.
34. Hydrographer of the Navy, Circular Letter (Jan. 2, 1890) forwarding Report of Ice and Ice Movements in the Bering Sea and the Arctic Basin by Ensign Edward Simpson under Direction of Lieutenant Commander C.H. Stockton. Report no. 92 (1890).
35. *Arctic Cruise*, *supra* note 33, at 171, and *Reconstruction of the United States Navy*, OVERLAND MONTHLY, October 1890, at 381.
36. *Id.* at 384.
37. Letter from Lansing Mizner, U.S. Legation in Central America, to Stockton (Sept. 13, 1890), Stockton Papers, box 1, folder 1.
38. Letter from Assistant Secretary of the Navy James R. Soley to Stockton (Sept. 10, 1890), forwarding letter from Acting Secretary of State W. F. Wharton to Secretary of the Navy (Sept. 9, 1890), Stockton Papers, box 1, file 1.
39. Letter from Caspar Goodrich to President, Naval War College (Mar. 5, 1906), Naval War College Archives, record group 1, box 3, folder 23, quoted in HATTENDORF, ET AL., *SAILORS AND SCHOLARS: THE CENTENNIAL HISTORY OF THE NAVAL WAR COLLEGE* 30 (1984).
40. ANNUAL REPORT OF THE SECRETARY OF THE NAVY, 1889, at 37 (1890), *quoted in id.* at 30.
41. Orders to Stockton, August 18 and October 3, 1891, Stockton Papers, box 1, file 1.
42. MAHAN, *FROM SAIL TO STEAM* 303 (1907).
43. Draft letter from Mrs. Helen Stockton Parker (Mrs. W. Ainsworth Parker) to Captain W.D. Puleston (January 1936), Naval Historical Collection, Naval War College, ms. coll. 56: Stockton Papers, box 2, folder 3.
44. Mahan, *The Practical Character of the Naval War College*, *quoted in* HATTENDORF, *supra* note 39, at 32.
45. Official Journal of the Naval War College, 1892-1895, Naval War College Archives, record group 1, box 6.
46. Stockton, *Notes upon the Necessity and Utility of the Naval War College in Connection with Preparations for Defence and War*, 19 NAVAL INST. PROCEEDINGS 407, quotation at 408 (1893).
47. SNOW, *CASES AND OPINIONS IN INTERNATIONAL LAW* (1893).
48. TAYLOR, *ADDRESS DELIVERED TO THE CLASS AT THE NAVAL WAR COLLEGE UPON THE CLOSING OF THE SESSION OF 1894*, at 15 (1894).
49. "International Law, memo of proposed subjects for lectures drawn up as a suggestion to Professor Snow," Naval War College Archives, record group 28: President's File—Stockton, Charles H.
50. *Id.*
51. *Id.*
52. The text of this lecture is in the Naval War College Archives, record group 14: Faculty and Staff Presentations, box 1 (1886-1900).
53. *Id.*
54. NAVAL WAR COLLEGE, *INTERNATIONAL LAW SITUATIONS* (1894).
55. HATTENDORF, *supra* note 39, at 41. Letter from Stockton to Lieutenant Charles Cooper, Naval Institute (Dec. 10, 1898), Naval Historical Collection, Naval War College, ms. coll. 56: Stockton Papers, box 2, folder 2: letterbox of Official Correspondence 1889-1900, at 77, 74-75.
56. *INTERNATIONAL LAW LECTURES DELIVERED AT THE NAVAL WAR COLLEGE BY FREEMAN SNOW, PH.D., LL.B., LATE INSTRUCTOR IN INTERNATIONAL LAW IN HARVARD*

John Hattendorf

UNIVERSITY: PREPARED AND ARRANGED FOR PUBLICATION BY CHARLES H. STOCKTON (1895).

57. Letter from S. U. Macvane to Stockton (Sept. 13, 1894), reproduced in *Recollections*, *supra* note 2, at 39.

58. ONI receipt, March 1895, Stockton Papers, box 1, folder 1.

59. The manuscript texts of these ten lectures are in the Naval War College Archives, record group 15: Guest Lectures, box 1, 1894–1903.

60. NAVAL WAR COLLEGE, INTERNATIONAL LAW (1895). Stockton is identified as the author and compiler of the International Law Situations only in NAVAL WAR COLLEGE, ABSTRACT OF COURSE, 1895, at 5 (1895).

61. Miscellaneous Notes and Memoranda made during the Cruise of the *Yorktown*, 1895–1896, at 19–20, Stockton Papers, box 3, folder 1.

62. BRAISTED, THE UNITED STATES NAVY IN THE PACIFIC, 1897–1909, at 17–18 (1958).

63. Report of Inspection of USS *Yorktown* (September 21, 1897), Stockton Papers, Official and semi-official letters, box 2, folder 1. Letter from Acting Secretary of the Navy Theodore Roosevelt to Stockton (Oct. 28, 1897), typescript copy in Stockton Papers, signed original in National Archives, record group 45: area files, area 10.

64. Letter from Allan D. Brown, President, Norwich University, to Stockton (Mar. 28, 1898), Stockton Papers, box 2, folder 1.

65. Letter from Stockton to Luce (June 5, 1898), *printed in* LIFE AND LETTERS OF STEPHEN B. LUCE, U.S. NAVY, FOUNDER OF THE NAVAL WAR COLLEGE 280 (Gleaves ed., 1925).

66. Letters from Stockton to Dewey and Sampson (July 22, 1898), Naval Historical Collection, Naval War College, ms. coll. 56: Stockton Papers, box 2, folder 2: letterbook of Official Correspondence 1889–1900, at 10–11.

67. A MANUAL BASED UPON LECTURES DELIVERED AT THE NAVAL WAR COLLEGE BY FREEMAN SNOW, PH.D., LL.B., LATE INSTRUCTOR IN INTERNATIONAL LAW IN HARVARD UNIVERSITY (2d ed.), PREPARED AND ARRANGED FOR PUBLICATION BY THE DIRECTION OF THE NAVY DEPARTMENT BY COMMANDER C.H. STOCKTON, U.S.N. (1898). The first copies of the book were received from the printers in January 1899. *See* Letter from Stockton to Chief, Bureau of Equipment (Jan. 10, 1899), Naval War College Archives, record group 1, box 7, letter book, 1897–1900, at 238 ff.

68. Letter from Stockton to Senator Nelson Aldrich (July 19, 1899), Stockton Papers, box 2, Official letter book, letter 167.

69. Letter from Stockton to Assistant Secretary of the Navy (Feb. 15, 1899), Naval War College Archives, record group 1, box 6, letterbook 1899–1901, at 4.

70. Preparation for War, Naval War College Archives, record group 16: Opening Addresses, 1899.

71. STOCKTON, PREPARATION FOR WAR: A DISCUSSION OF SOME OF THE VARIOUS ELEMENTS TO BE CONSIDERED IN THE FORMATION OF PLANS OF OPERATIONS AND IN THE STUDY OF CAMPAIGNS, DELIVERED AT THE OPENING OF THE COURSE AT THE NAVAL WAR COLLEGE, NEWPORT, R.I., MAY 31, 1899 (1899).

72. NAVAL WAR COLLEGE, INTERNATIONAL LAW SITUATIONS 1899 (1899).

73. The manuscripts of all three 1899 lectures are in Naval War College Archives, record group 14: Faculty and Staff presentations, box: 1886–1900.

74. Letter from Stockton to Lieut. Charles Copper, Secretary, Naval Institute (Dec. 10, 1898), Naval Historical Collection, Naval War College, ms. coll. 56: Stockton Papers, box 2, folder 2: Letterbook of Official Correspondence 1889–1900, at 77, 74–75.

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75. Stockton read French and knew this work from the French edition: TESTA, LE DRIOT PUBLIC INTERNATIONALE MARITIME (1886).
76. ORTOLAN, DIPLOMATIE DE LA MER (1864).
77. Stockton, *Submarine Cables in Time of War*, 14 NAVAL INST. PROC. 451 (1898).
78. Stockton, *The American Interoceanic Canal: A Study of the Commercial, Naval, and Political Conditions*, 25 NAVAL INST. PROCEEDINGS 753 (1899).
79. *Id.* at 767.
80. *Id.* at 797.
81. Stockton, *Capture of Enemy Vessels at Sea*, THE NORTH AM. REV., Feb. 1899, at 206.
82. Letter from Stockton to Judge Advocate General (Oct. 26, 1899), Naval War College Archives, record group 1, box 7, letterbook 1897–1900, at 314–18, quote at 314.
83. *Id.* at 315.
84. *Id.* at 317.
85. *Id.*
86. *Id.* at 317–318.
87. Letter from Stockton to Secretary of the Navy (Nov. 6, 1899), Naval War College Archives, record group 1, box 6, letterbook 1899–1901, at 119–21.
88. Letter from Stockton to W. W. Kimball (Nov. 4, 1899) Naval War College Archives, record group 1, box 7, letterbook 1897–1900, at 319.
89. *Id.*
90. Letter from Stockton to Judge Advocate General of the Navy (Nov. 24, 1899), *in id.* at 129.
91. Letter from Stockton to Secretary of the Navy (Nov. 22, 1899), *in id.* at 125.
92. Letter from Stockton to Secretary of the Navy (Feb. 20, 1900), *in id.* at 164.
93. Letter from Stockton to George Dewey (Apr. 25, 1900), *in id.* at box 7, p. 375.
94. Stockton mentions Walker's contribution in his official, annual report on the Naval War College. Letter from Stockton to Assistant Secretary of the Navy (Oct. 1, 1900), *in id.* at 312, 314, printed in ANNUAL REPORT OF THE SECRETARY OF THE NAVY (1890).
95. Letter from Stockton to Professors Woolsey, Strobel and Grafton (Jan. 13 and Apr. 12, 1900), Naval War College Archives, record group 1, box 7, letterbook 1897–1900, at 338, 365.
96. For a reference to the explicit approval of Woolsey and Strobel, see letter from Stockton to Judge Advocate General of the Navy (May 19, 1900), Naval War College Archives, record group 1, box 6, letterbook 1899–1901, at 244.
97. Letter from Stockton to Secretary of the Navy (May 19, 1900), *in id.* at 236–40. With the exception of altering the wording, but not the meaning, of the first two sentences and omitting the final paragraph on who had reviewed the draft before it was submitted, an undated version of this letter was printed in NAVAL WAR COLLEGE, INTERNATIONAL LAW DISCUSSIONS, 1903: THE UNITED STATES NAVAL WAR CODE OF 1900, at 5–7 (1904).
98. *Id.*
99. Letters from Stockton to Secretary of the Navy (June 21 & 22, 1900), Naval War College Archives, record group 1, box 6, letterbook 1899–1901, at 258, 261.
100. THE LAWS AND USAGES OF WAR AT SEA, NAVAL WAR CODE (1900).
101. Letter from Stockton to Secretary of the Navy (June 28, 1900), Naval War College Archives, record group 1, box 6, letterbook 1899–1901, at 264.
102. Letters from Stockton to Chief, Bureau of Navigation (July 9 & 16, 1900), at 271, 273.
103. Letter from Stockton to Chief Intelligence Officer, Navy Department (Aug. 13, 1900), *in id.* at 287.
104. A NAVAL WAR CODE, THE TIMES [LONDON], April 5, 1901.

105. Letter from Lieut. William McCarty Little to James Brown (Oct. 8, 1900) and endorsements to requests from the Navy Department, Naval War College Archives, record group 1, box 6, letterbook 1899–1901, at 329, 331, 340.
106. Letter from Stockton to Secretary of the Navy (Oct. 8, 1900), in *id.* at 330.
107. Letter from Stockton to Lieutenant E.W. Eberle (June 21, 1900), Naval War College Archives, record group 1, box 6, letterbook 1899–1901, at 259.
108. Stockton, *An Account of Some Past Military and Naval Operations Directed against Porto [sic] Rico and Cuba*, 26 NAVAL INST. PROCEED. 457, 475 (1900).
109. Summary of schedule for 1900, Naval War College Archives, record group 1, box 6, letterbook 1899–1901, at 323–25. On International Law Situations for 1900, see Chadwick to Assistant Secretary of the Navy (Nov. 27, 1900), in *id.* at 365.
110. Orders from Captain F.E. Chadwick to Stockton (Oct. 27, 1900), in *id.* at 349, with reference to FREEMAN H. SNOW, *CASES AND OPINIONS IN INTERNATIONAL LAW* (1893).
111. NAVAL WAR COLLEGE, *ABSTRACT OF THE COURSE*, 1900, at 63 (1901).
112. NAVAL WAR COLLEGE, *INTERNATIONAL LAW: RECENT SUPREME COURT DECISIONS AND OTHER OPINIONS AND PRECEDENTS* (1904).
113. Letter from Chadwick to Assistant Secretary of the Navy (Jan. 3, 1901), in *id.* at 386. WILSON, *INSURGENCY: LECTURES DELIVERED AT THE NAVAL WAR COLLEGE, NEWPORT, RHODE ISLAND, AUGUST 1900* (1900).
114. Letters from Chadwick to Chief, Bureau of Navigation, to Professor John Bassett Moore (Mar. 26, 1901) and to Assistant Secretary of the Navy (Mar. 27, 1901), in *id.* at 475 1/2, 477, 479–80.
115. Letter from Chadwick to Assistant Secretary, *supra* note 114, at 480.
116. *Id.* at 388.
117. Letter from Chadwick to Assistant Secretary of the Navy (Jan. 4, 1901), in *id.* at 389. The British ambassador requested eight copies of *The Laws and Usages of War at Sea*, Chadwick to Chief Intelligence Officer (Mar. 4, 1901), in *id.* at 461.
118. Stockton, *Laws and Usages of War at Sea*, FORUM, February 1901, at 705–709.
119. BRAISTED, *THE UNITED STATES NAVY IN THE PACIFIC, 1897–1900*, at 114 (1958).
120. Letter from Chadwick to Stockton (Apr. 22, 1901), Naval War College Archives, record group 1, box 7, letterbook 1900–1902, at 260.
121. *Id.* at 118.
122. EVANS, *AN ADMIRAL'S LOG: BEING CONTINUED RECOLLECTIONS OF NAVAL LIFE* 211 (1910).
123. Journal of the Cruise of the USS Kentucky, Captain C.H. Stockton, USN, Commanding, March 11, 1901 [to March 1903], Stockton Papers, box 3, folder 2.
124. Private Diary, 1904, Stockton Papers, box 3, folder 3.
125. Much has been written about this period. See, e.g., WILLIAMS, *DEFENDING THE EMPIRE: THE CONSERVATIVE PARTY AND BRITISH DEFENCE POLICY 1899–1915*, at 59–76 (1991); MARDER, *THE ANATOMY OF BRITISH SEA POWER* (1940); MACKAY, *FISHER OF KILVERSTONE* (1973); SUMIDA, *IN DEFENCE OF NAVAL SUPREMACY: FINANCE, TECHNOLOGY AND BRITISH NAVAL POLICY, 1889–1914* (1989).
126. Stockton, *Would Immunity from Capture, during War, of Non-offending Private Property upon the High Seas be in the Interest of Civilization?* 1 AM. J. INT'L L. 930 (1907).
127. *Id.* at 943.
128. Newspaper clippings, Stockton Papers, box 3, folder 6: *Japanese Warships Arrive in Brest; Americans Join French in Welcome*, NEW YORK HERALD TRIBUNE, European ed., July 25, 1907, at 1; Quote from *Stockton Back with Squadron*, unidentified newspaper, vol. xxi, no. 122, New York, Aug. 6, 1907.

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129. *Id.*
130. Stockton, *The Use of Submarine Mines and Torpedoes in Time of War*, 2 AM. J. INT'L L. 276 (1908).
131. *Id.* at 284.
132. International Law, Reports of First and Second Committees, Aug. 27, 1908, Naval War College Archives, record group 8, series 2, box 87, file XLAI, 1908–1911, item 1908, no. 83.
133. Report of the 2nd Committee in *id.*
134. *Id.* at 4–5.
135. COOGAN, *THE END OF NEUTRALITY: THE UNITED STATES, BRITAIN, AND MARITIME RIGHTS, 1899-1915*, at 113 (1981).
136. NAVAL WAR COLLEGE, *INTERNATIONAL LAW DISCUSSIONS, 1903, THE UNITED STATES NAVAL WAR CODE OF 1900* (1904).
137. Summary of Suggested Changes, in *id.* at 91–97.
138. Letter from President, Naval War College, to Secretary of the Navy (Sept. 29, 1908), Naval War College Archives, record group 8, series 2, box 87, file XLAI, 1908–1911, item 1908, no. 83.
139. *Id.*
140. Quoted in Stockton, *The International Naval Conference of 1908*, 3 AM. J. INT'L L. 600 (1909).
141. Quotations from National Maritime Museum, Slade Papers (M) 3, diary entries for Oct. 26, 28, Dec. 1, 1908, quoted in COOGAN, *supra* note 135, at 113–14.
142. Extract of Letter from Rear Admiral C.H. Stockton (Nov. 18, 1908), with commentary in letter of President, Naval War College, to Chief, Bureau of Navigation (Dec. 12, 1908), Naval War College Archives, record group 8, series 2, box 87, file XLAI 1908–1911, item 1909, no. 4.
143. Slade diary entry, Feb. 5, 1909, quoted in COOGAN, *supra* note 135, at 116.
144. Stockton, *Conference of 1908*, *supra* note 140, at 596–618, also published as *Review of the Proceedings of the Conference in London*, 1909 PROC. AM. SOC'Y INT'L L. 61–84.
145. *Id.* at 608.
146. *Id.* at 611.
147. *Id.* at 614.
148. *Id.* at 616.
149. STOCKTON, *MANUAL OF INTERNATIONAL LAW FOR THE USE OF NAVAL OFFICERS* (1911).
150. Preface, dated Nov. 1, 1910, in *id.*
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152. Stockton, *The Codification of the Laws of Naval Warfare*, 1909 PROC. AM. SOC'Y INT'L L. 117–19.
153. *Id.* at 122.
154. Stockton, *Does the Expression "All Nations" in Article 3 of the Hay-Pauncefote Treaty Include the United States?*, 7 AM. J. INT'L L. 92 (1912), and *Panama Canal Tolls*, 38 NAVAL INST. PROCEEDINGS 493 (1912).
155. *Sees Risk in Weak Navy*, N.Y. TIMES, Feb. 27, 1913, at 5: 4–5.
156. *Id.*
157. STOCKTON, *OUTLINES OF INTERNATIONAL LAW* at v (1914).
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159. *International Law*, N.Y. TIMES BOOK REV., Feb. 7, 1915, pt VI, at 41:2.
160. Stockton, *International Law of the Sea*, 29 THE WORLD'S WORK 706, quote at 706 (1915).
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